



***Massachusetts Department of
Environmental Protection***

Bureau of Waste Site Cleanup

**INSTRUCTION MANUAL FOR
BUREAU OF WASTE SITE CLEANUP
TRANSMITTAL FORMS**

May 8, 1995

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INTRODUCTION

This manual provides instructions for preparation of ten Massachusetts Department of Environmental Protection (DEP) Bureau of Waste Site Cleanup (BWSC) forms. Persons making submittals to DEP must use these forms to meet the requirements of the regulations found at 310 CMR 40.0000, also referred to as the Massachusetts Contingency Plan (MCP). The MCP implements the Commonwealth's Waste Site Cleanup Program (a. k. a., "the State Superfund Program"), which is authorized by chapter 21E of the Massachusetts General Laws.

This Manual includes instructions for the following BWSC forms:¹

| | | |
|---|-------------------------|---|
| ! | BWSC-104: | <i>Response Action Outcome (RAO) Statement & Downgradient Property Status Transmittal Form</i> |
| ! | BWSC-105: | <i>Immediate Response Action (IRA) Transmittal Form</i> |
| ! | BWSC-106: | <i>Release & Utility-related Abatement Measure (RAM & URAM) Transmittal Form</i> |
| ! | BWSC-107A&B: | <i>Tier Classification, Tier II Extension & Tier II Transfer Transmittal Form</i> |
| ! | BWSC-108: | <i>Comprehensive Response Action Transmittal Form & Phase I Completion Statement</i> |
| ! | BWSC-109: | <i>Tier I Minor Permit Modification Transmittal Form</i> |
| ! | BWSC-110: | <i>Licensed Site Professional (LSP) Evaluation Opinion Transmittal Form</i> |
| ! | BWSC-111: | <i>Audit Follow-Up Plan Transmittal Form & Completion Statement</i> |
| ! | BWSC-113: | <i>Activity & Use Limitation (AUL) Transmittal Form</i> |
| ! | BWSC-114: | <i>Activity & Use Limitation (AUL) Opinion Form</i> |

Most of the "Series 100" forms discussed by these instructions replace older forms developed by BWSC for similar purposes. Table 1 pairs each of the "Series 100" forms with those replaced.

¹The Release Notification & Notification Retraction Form (BWSC-103) is available as a separate document and the Bill of Lading & Material Shipping Record (BWSC-112) will be available by July 1, 1995. Instructions for these forms are not included in this Manual. Note that BWSC-101 and BWSC-102 are for DEP internal use only.

| TABLE I: 1995 BWSC Forms & The Forms They Supersede | | | |
|--|---|-------------------|--|
| New Form # | Name of New Form | Old Form # | Name of Form(s) Replaced |
| 103 | Release Notification & Notification Retraction Form | 003 | Release Notification Form |
| 104 | Response Action Outcome (RAO) Statement & Downgradient Property Status Transmittal Form | 004 | RAO Statement |
| | | 010 | Supplementary Risk Reduction Transmittal Form (in part) |
| 105 | Immediate Response Action (IRA) Transmittal Form | 005 | IRA Plan |
| | | 006 | IRA Completion Statement |
| | | 010 | Supplementary Risk Reduction Transmittal Form (in part) |
| | | 011 | Imminent Hazard Information Transmittal Form |
| 106 | Release & Utility-related Abatement Measure (RAM & URAM) Transmittal Form | 007 | RAM Plan |
| | | 008 | RAM Completion Statement |
| | | 009 | URAM Completion Statement |
| | | 010 | Supplementary Risk Reduction Transmittal Form (in part) |
| 107A&B | Tier Classification, Tier II Extension & Tier II Transfer Transmittal Form | 010 | Supplementary Risk Reduction Transmittal Form (in part) |
| | | 014 | Tier Classification Submittal Transmittal Form |
| 108 | Comprehensive Response Action Transmittal Form & Phase I Completion Statement | 010 | Supplementary Risk Reduction Transmittal Form (in part) |
| | | 013 | Comprehensive Response Action Transmittal Form |
| 109 | Tier I Minor Permit Modification Transmittal Form | NA | None |
| 110 | Licensed Site Professional (LSP) Evaluation Opinion Transmittal Form | 015 | Licensed Site Professional (LSP) Evaluation Opinion Transmittal Form |
| 111 | Audit Follow-Up Plan Transmittal Form & Completion Statement | NA | None |
| 112 | Bill of Lading & Material Shipping Record (available 7/1/95) | 012 | Bill of Lading |
| 113 | Activity & Use Limitation (AUL) Transmittal Form | NA | None |
| 114 | Activity & Use Limitation (AUL) Opinion Form | NA | None |

This Manual consists of three parts:

- ! Part I presents general information, addressing questions such as who may officially submit and certify forms, where to obtain forms, how to submit forms, where to send a completed form and who to contact for further information.
- ! Part II includes instructions for completing sections and fields repeated on all or several forms. These include the Release Tracking Number field and sections for Location, Description of Response Actions, Transport of Remediation Waste, LSP Opinion, Person, Relationship and Certification.
- ! Part III provides instructions specific to each of the BWSC forms listed on page 2, incorporating appropriate cross-references to information found in Part II.

Acronyms used by this document are defined in Table 2.

< **NOTE:** The Instruction Manual for BWSC Forms assumes a basic understanding of the Waste Site Cleanup Program on the part of the reader. Use of these instructions does not substitute for reading and understanding the MCP (i. e., 310 CMR 40.0000). Wherever conflicts arise between the Manual and relevant regulations, the regulations shall prevail.

| TABLE 2: Acronyms Used In This Manual | |
|---------------------------------------|--|
| Acronym | Definition |
| AUL | Activity and Use Limitation |
| BWSC | Bureau of Waste Site Cleanup |
| DEP | Department of Environmental Protection |
| IRA | Immediate Response Action |
| LSP | Licensed Site Professional |
| LTBI | Location To Be Investigated |
| MCP | Massachusetts Contingency Plan |
| PRP | Potentially Responsible Party |
| RAM | Release Abatement Measure |
| RAO | Response Action Outcome |
| RP | Responsible Party |
| URAM | Utility-related Abatement Measure |

PART I:

GENERAL INFORMATION

The following instructions describe how to complete and submit an acceptable BWSC form to DEP.

WHERE TO OBTAIN BWSC FORMS

You may obtain copies of BWSC forms either from a DEP Service Center or through the DEP computer bulletin board. You may reach DEP Service Centers at the following telephone numbers:

- ! Boston: 617/338-2255, if calling from out of state or within the 617 area code, and 1-800/462-0444, if calling from within either the 508 or 413 area codes;
- ! Western Region: 413/784-1100 x214;
- ! Central Region: 508/792-7683;
- ! Northeast Region: 978/661-7600;
- ! Southeast Region: 508/946-2714.

The DEP computer bulletin board can be reached at 617/292-5546. You may download files containing copies of all current BWSC forms, along with a "Read Me" file containing instructions for their use. BWSC electronic forms use *Inform*s software from WordPerfect Corporation. This software is available for use in either *DOS* or *Windows* versions. You need to order only the "Filler" module of *Inform*s to use the BWSC electronic forms. The forms have been "locked" to avoid accidental changes to the format. You cannot use *WordPerfect* word processing software to open *Inform*s files; however, you may be able to obtain a discount on the purchase price of *Inform*s if you are now a *WordPerfect* user.

< **NOTE:** DEP does **NOT** have the capability to receive completed forms in an electronic format. You **MUST** print and submit to DEP as hard copies any forms that you complete electronically.

WHO SHOULD PREPARE AND SUBMIT BWSC FORMS

Persons undertaking response actions are responsible for submitting required forms to BWSC. Persons required to submit BWSC forms may assign employees or hire consultants to prepare forms on their behalf. Licensed Site Professionals (LSPs) with appropriate technical training typically undertake these assignments.

Regardless of who prepares a BWSC form, the person making the submittal must certify that the information provided on the form is true, accurate and complete. Either a private individual, the contact person for an organization, or an authorized agent for the individual or organization may sign the required certification statement. For more information about the certification, see the MCP at 310 CMR 40.0009.

CERTIFICATION OF FORMS BY AUTHORIZED AGENTS

An authorized agent may certify a BWSC form on behalf of the person making the submittal. Agents include consultants, attorneys and other persons acting on behalf of the person making the submittal. An agent should **NEVER** record his or her own name on the section of a BWSC form asking for the name of the person making the submittal.

Licensed Site Professionals (LSPs) who certify a BWSC form on behalf of a client or employer **MUST** attach written authorization from that person with each form submitted. An LSP should **NEVER** record his or her own name on the section of a form asking for the name of the person making the submittal.

Do not confuse the certification statement with an LSP Opinion. Most submittals discussed by these instructions also require an LSP to sign and "stamp" a formal opinion evaluating adherence to appropriate laws and regulations.

For further information about certification requirements that apply to agents, including LSPs, see the MCP at 310 CMR 40.0009(2) and Part II of these instructions.

HOW TO COMPLETE BWSC FORMS

Complete forms using black ink. Mark any item not applicable with "N/A". You must use forms supplied by DEP, including electronic forms, or photocopies of original DEP forms. Individuals and organizations are prohibited from creating their own version of BWSC forms, and DEP will reject any form submitted in such a format. Forms submitted to DEP must include original signatures.

INCOMPLETE FORMS

Complete BWSC forms in accordance with both these instructions and any directions found on the forms themselves. Failure to do so may cause DEP to return your forms as incomplete. If you exceed the applicable time frame for a submittal because DEP rejected an incomplete form, you will be in noncompliance with the MCP.

HOW TO SUBMIT BWSC FORMS

You may submit most forms and associated attachments by certified or regular mail or by hand delivery to the DEP Regional Office for the town or city in which the release or threat of release occurred (i. e., the site or disposal site location). However, you may only submit IRA Plans (BWSC-105) and RAM Plans (BWSC-106) by certified mail or hand delivery.

< **NOTE:** Forms submitted to DEP must include original signatures; do not submit a form by FAX.

WHERE TO SUBMIT BWSC FORMS

Unless directed otherwise, submit BWSC forms to the DEP Regional Office for the town or city in which the release or threat of release occurred (i. e., the site or disposal site location):

DEP Western Regional Office
436 Dwight Street, 5th Floor
Springfield, MA 01103

DEP Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

DEP Central Regional Office
627 Main Street
Worcester, MA 01605

DEP Northeast Regional Office
205A Lowell Street
Wilmington, MA 01887

SUBMITTALS TO LOCAL OFFICIALS

Local officials must be notified about certain cleanup activities. See the MCP at 310 CMR 40.1403 for a list of these activities and requirements for providing notice.

WHERE TO GET MORE INFORMATION

If you have questions or require further information, contact the MCP Hotline at 617/338-2255, if calling from area code 617 or from out of state, or at 800/462-0444, if calling from area code 413 or 508.

PART II:

SECTIONS AND FIELDS REPEATED ON SEVERAL FORMS

The following instructions describe how to complete sections repeated on several BWSC forms. Any place on a form that requires a written response or check off is called a "field". The forms group most fields into titled "sections".

Carefully read through all pertinent instructions before attempting to complete a form. If you have questions, obtain further information by reviewing the appropriate regulations or by calling the MCP Hotline at the phone numbers provided in Part I.

< **NOTE:** The Instruction Manual for BWSC Forms assumes a basic understanding of the Waste Site Cleanup Program on the part of the reader. Use of these instructions does not substitute for reading and understanding the MCP (i. e., 310 CMR 40.0000). Wherever conflicts arise between the Manual and relevant regulations, the regulations shall prevail.

RELEASE TRACKING NUMBER FIELD

With very limited exceptions described in Part III, every form addressed by the Manual must include a Release Tracking Number assigned to the release, threat of release, site or disposal site that is the subject of the form. Enter the Release Tracking Number in the field located on the title bar at the top of every page. Be sure to repeat the Release Tracking Number on every page of a form, in case pages get separated. Also, record the Release Tracking Number on any supporting documentation.

If a submittal addresses more than one site or disposal site reported to DEP, record the lowest relevant Release Tracking Number in this field and list other Release Tracking Numbers in the appropriate field in the Location Section.

For releases and threats of release reported to DEP on or after October 1, 1993, DEP assigns a Release Tracking Number to the associated site or disposal site as follows:

- ! Two and 72 Hour reporting conditions, at the time the Emergency Response Team receives the initial report;
- ! 120 Day reporting conditions, upon receipt of a Release Notification Form.

If you need to obtain a Release Tracking Number, contact DEP at the following telephone numbers:

During business hours (9 AM to 5 PM weekdays, except holidays):

- ! Central Region: 508/792-7653;
- ! Northeast Region: 978/661-7600;
- ! Southeast Region: 508/946-2850;
- ! Western Region: 413/784-1100.

Statewide during non-business hours call 617/292-5500.

For sites and disposal sites reported to DEP prior to October 1, 1993, the Site Identification Number is now the Release Tracking Number. For those locations identified on the Transition List of Confirmed Disposal Sites and Locations to be Investigated (i. e., 1993 Transition List) or any addendum thereto, provide the Site Number as the Release Tracking Number.

< **NOTE:** See Part III of this Manual for any form-specific instructions that apply to the Release Tracking Number Field of your submittal.

LOCATION SECTION

Use this section to provide information about the location of the release, threat of release, site, disposal site, Location To Be Investigated or downgradient property that is the subject of the submittal.

The term "site" describes the location of a threat of release **OR** a disposal site. The terms "disposal site" and "portion of a disposal site" apply in cases where a release of oil and/or hazardous materials has occurred. See the MCP at 310 CMR 40.0006 for complete definitions of "site" and "disposal site". A single disposal site can be the result of more than one release.

If a form addresses more than one release or threat of release reported to DEP, record the location of the release or threat of release associated with the Release Tracking Number entered in the title bar of the form. If the release or threat of release associated with the Release Tracking Number entered in the title bar of the form affects multiple properties, record the address of the single most contaminated property or source location. To the extent known, attach a list of other properties affected by all releases and threats of release referenced on the form. Include the address of each property and both the name and address of each property owner.

Name

State a release, site, disposal site or Location To Be Investigated (LTBI) name only if DEP has previously assigned one.

Street

Record the street address for the location.

Location Aid

Provide additional geographic or descriptive information that identifies the location (e. g., cross-street, mile marker, transformer or pole number, business name, landmark or geographical feature). Examples of Location Aids include "Joe's Garage", "Watertown Square" and "Mill Pond".

< **NOTE:** A Location Aid is required if the location that is the subject of the submittal has no street address.

City/Town and Zip Code

Identify the city or town (i. e., municipality) for the location. If appropriate, use a village or neighborhood name (e. g., Woods Hole, Roxbury). Include the zip code.

Related Release Tracking Numbers

If a form addresses more than one release or threat of release reported to DEP, list the Release Tracking Numbers identifying the additional releases and threats of release. Record the lowest Release Tracking Number on the title bar of each page. Multiple releases and threats of release addressed by a single form must be physically related to one another (i. e., they must form all or part of a single interconnected site or

disposal site).

< **NOTE:** See Part III of this Manual for any form-specific instructions that apply to the Location Section of your submittal.

DESCRIPTION OF RESPONSE ACTIONS SECTION

This section provides information about response actions taken as part of an Immediate Response Action (IRA), Release Abatement Measure (RAM) or Utility-related Abatement Measure (URAM) or that provide the basis for a Response Action Outcome (RAO) Statement. This section summarizes detailed information that should be included in supporting documentation. Check all applicable boxes describing response actions that are the subject of the form. Only those fields that require further clarification are discussed below.

Assessment and/or Monitoring Only

Check this box if the **ONLY** response actions undertaken consist of assessment and/or monitoring activities. Do **NOT** check this box if any remedial actions occurred prior to assessment and/or monitoring activities.

Removal of Contaminated Soils

Check this box if response actions included the removal of contaminated soils.

Reuse, Recycling or Treatment

Check this box if response actions included the reuse, recycling or treatment of contaminated soils. Indicate whether handling of contaminated soils occurred on or off site. State the volume, in cubic yards, of contaminated soil handled. Summarize other clarifying information in the Describe Field (e. g., soil backfilled).

Store

Check this box if contaminated soils are currently stored on or off site. State the volume, in cubic yards, of contaminated soil being stored.

Landfill

Check this box if contaminated soils were transported to a landfill. Indicate whether the soil was used as daily cover or buried at the landfill (i. e., disposed of). State the volume, in cubic yards, of contaminated soil handled.

Removal of Tanks, Drums or Containers

Check this box if response actions included the removal of tanks, drums or other containers contaminated by or containing remediation waste. Describe the number and type of vessels removed from the site or disposal site (e. g., "12 drums of waste oil" or "one 1000 gallon UST").

Removal of Other Contaminated Media

Check this box if response actions included the removal of other types of contaminated media. Describe the type and volume of other contaminated media removed from the site or disposal site (e. g., "14 cubic yards of contaminated building debris").

Other Response Actions

Briefly describe any types of response actions not listed elsewhere in this section.

Innovative Technologies

An innovative technology is generally defined as a **NEW** technology or process designed to solve environmental problems or a technology **PROVEN** in one field applied to a **NEW** or **DIFFERENT**

environmental problem. More specifically, DEP has adopted a version of the EPA definition found at 40 CFR 52.21(b). DEP defines innovative technologies as any system of pollution prevention or pollution control, of site assessment and remediation methods, or of processes or technologies that:

- (1) has not been adequately demonstrated in practice; and
- (2) would have a substantial likelihood of achieving:
 - (a) greater continuous environmental protection than other technologies in current practice; or
 - (b) at least comparable results at lower cost in terms of energy, economics, or environmental impacts.

< **NOTE:** See Part III of this Manual for any form-specific instructions that apply to the Description of Response Actions Section of your submittal.

TRANSPORT OF REMEDIATION WASTE SECTION

This Section provides information about any remediation waste shipped off-site in connection with response actions taken as of the date the form is submitted to DEP.

State the name of the facility that accepted the material, as well as the town and state where it is located. State the quantity of remediation waste shipped. Use cubic yards or other appropriate units.

Record information about a temporary storage location **ONLY** if, as of the date of the submittal, the remediation waste has not either been returned to the site for reuse or moved again to a permanent destination.

< **NOTE:** See Part III of this Manual for any form-specific instructions that apply to the Transport of Remediation Waste Section of your submittal.

LSP OPINION SECTION

This Section provides information about the Licensed Site Professional (LSP) and the LSP Opinion rendered, as well as fields for the stamp and signature of the LSP. The majority of the submittals described by this Manual require the rendering of an LSP Opinion prior to submittal to DEP; Part III of these instructions describes the few exceptions.

LSPs must receive a license from the Board of Registration of Hazardous Waste Site Cleanup Professionals. For a list of LSPs and other information about the LSP program, contact the Board at 617/574-6870

< **NOTE:** The language of the Opinion must **NOT** be altered, or the form will be returned as incomplete to the person making the submittal.

Orders, Permits and Approvals

Check this box if the response action(s) on which the LSP bases his or her Opinion is (are) subject to any order, permit or approval issued by DEP or the EPA. If this is the case, identify the applicable provisions of each such order, permit and approval on your supporting documentation.

LSP Name and License Number

Provide the first and last name and license number of the LSP who provides the Opinion.

Telephone, Ext. and FAX

Provide a telephone number, including area code and any extension, for the LSP who provides the Opinion. Providing a FAX number is optional.

Signature and Date

The LSP who provides the Opinion must sign and date the LSP Opinion Section on the form.

Seal

The LSP who provides the Opinion must stamp the document with his or her official stamp. Do **NOT** substitute a raised seal for an ink stamp.

< **NOTE:** See Part III of this Manual for any form-specific instructions that apply to the LSP Opinion Section of your submittal.

PERSON SECTION

This section provides information about the person making the submittal. The MCP defines persons to include both individuals acting on their own behalf or organizations. Organizations include for-profit corporations, non-profit corporations, government agencies, authorities, trusts, estates and other legally recognized entities. See 310 CMR 40.0006 for a complete definition of "person".

< **NOTE:** An LSP, consultant, attorney or other person acting on behalf of or as an agent for the person making the submittal should **NEVER** record his or her own name and address in this section.

Name of Organization

If an organization (e. g., company, municipal department, public authority) makes the submittal, record its name. State N/A if not applicable (e. g., owner/occupant of residential property).

Contact Name and Title

The person whose name is provided must be the person who certifies the submittal or on whose behalf the certification is provided.

Individuals: If the person making the submittal is not associated with an organization (e. g., owner-occupant of residential property), record his or her first and last name in this field.

Organizations: If an organization makes the submittal, provide the first and last name, as well as the title, of a representative who has knowledge of the situation and whom DEP may contact for further information. The contact person listed must be the highest ranking individual having day-to-day responsibility for undertaking response actions (i. e., making the submittal).

Street

Provide the street address for sending mail to the individual named. This location may differ from that of the site or disposal site where response actions occur (i. e., the release or threat of release location).

City/Town, State and Zip Code

Provide the remainder of the mailing address for the individual.

Telephone, Ext. and FAX

State a telephone number, including area code and any extension, where DEP may reach the individual named. Providing a FAX number is optional.

< **NOTE:** See Part III of this Manual for any form-specific instructions that apply to the Person Section of your submittal.

RELATIONSHIP SECTION

In this section select the single response that best describes the relationship of the person making the submittal, who is named in the previous section, to the release or threat of release that occurred at the site, disposal site or Location To Be Investigated described on the form. See the MCP at 310 CMR 40.0006 and 40.0331 and M. G. L. c. 21E for further definitions of terms used in this section of the form.

< **NOTE:** Do **NOT** provide information about an LSP or other individual who is preparing the form on behalf of or as an agent for the person making the submittal.

Responsible Party or Potentially Responsible Party (RP or PRP)

Check this box if the person making the submittal is a Responsible Party or Potentially Responsible Party.

For sites or disposal sites involving only **Oil(s)**, indicate if the Responsible Party or Potentially Responsible Party owns the property affected or operates a facility located at that property. A person who otherwise caused or is legally responsible for a site or disposal site involving only Oil(s) (i. e., one who does not own or operate the affected property) should select "Other RP or PRP".

For sites or disposal sites involving **Hazardous Material(s)** or a **mix of Hazardous Material(s) and Oil(s)**, indicate if the Responsible Party or Potentially Responsible Party owns or owned the property affected, operates or operated a facility located at that property, generated and/or transported the Hazardous Materials involved, or conducted other types of activities that relate to the site or disposal site. If selecting "Other RP or PRP", specify the relationship to the site or disposal site. If you do not indicate that you are a prior owner or operator in the "Other RP or PRP" field, DEP will assume that you are a current owner or operator.

Fiduciary, Secured Lender or Municipality with Exempt Status

Check this box if the person making the submittal is a Fiduciary, Secured Lender or a Municipality with exempt status under M.G.L. c. 21E, s. 2. You must meet specific criteria to claim this status.

Agency or Public Utility on a Right of Way

Check this box if the person making the submittal is either an Agency or a Public Utility operating on a right-of-way, as defined by M.G.L. c. 21E, s. 5(j). You must meet specific criteria to claim this status.

Any Other Person Undertaking Response Actions

Check this box if the person making the submittal is a person not described by any of the preceding categories. Describe the relationship of the person making the submittal to the site or disposal site.

< **NOTE:** See Part III of this Manual for any form-specific instructions that apply to the Relationship Section of your submittal.

CERTIFICATION SECTION

The person making the submittal, or that person's authorized agent, must sign and date the certification statement. In the case of an organization, the contact person named on the form should either sign the certification statement or designate an authorized agent. A Licensed Site Professional (LSP) or other individual who has prepared a form on behalf of or as an agent for an official notifier should **NOT** sign the certification, except as provided for below.

< **NOTE:** Do **NOT** make any alteration to the certification language. If you do so, DEP will return the form as incomplete.

Name of Certifier

The certifier must legibly print or type his or her first and last name. The certifier must be an individual, the contact person for an organization, or the authorized agent for an individual or organization.

Signature, Title and Date

The certifier named above must legibly sign his or her first and last name, state a title if any, and date the form. An LSP who prepares a form on behalf of or as an agent for the person making the submittal may sign the certification statement **ONLY** when authorized in writing by that person, as required by the MCP at 310 CMR 40.0009. A copy of this written authorization **MUST** be attached to the form.

Name of Person Providing Certification

Print the name of the person making the submittal. This will be either an individual or the contact person for the organization named on the form. Do **NOT** enter the name of an authorized agent, such as an LSP, attorney, contractor or consultant.

Address and Phone Number of Authorized Agent

If an authorized agent signs the certification on behalf of the person making the submittal and the address of the authorized agent differs from the one stated in the Person Section, you must provide the authorized agent's mailing address, telephone number, including area code, and a FAX number, if available.

< **NOTE:** See Part III of this Manual for any form-specific instructions that apply to the Certification Section of your submittal.

PART III:

INSTRUCTIONS FOR SPECIFIC FORMS

The following instructions describe how to complete each BWSC form listed in the Introduction. A subsection is devoted to each form. Carefully read through all pertinent instructions before attempting to complete a form. If you have questions, obtain further information by reviewing the appropriate regulations or by calling the MCP Hotline at the phone numbers provided in Part I.

Part III of the Manual includes form-specific instructions for the following BWSC forms:

| | | |
|---|-------------------------|---|
| ! | BWSC-104: | <i>Response Action Outcome (RAO) Statement & Downgradient Property Status Transmittal Form</i> |
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| ! | BWSC-106: | <i>Release & Utility-related Abatement Measure (RAM & URAM) Transmittal Form</i> |
| ! | BWSC-107A&B: | <i>Tier Classification, Tier II Extension & Tier II Transfer Transmittal Form</i> |
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| ! | BWSC-109: | <i>Tier I Minor Permit Modification Transmittal Form</i> |
| ! | BWSC-110: | <i>Licensed Site Professional (LSP) Evaluation Opinion Transmittal Form</i> |
| ! | BWSC-111: | <i>Audit Follow-Up Plan Transmittal Form & Completion Statement</i> |
| ! | BWSC-113: | <i>Activity & Use Limitation (AUL) Transmittal Form</i> |
| ! | BWSC-114: | <i>Activity & Use Limitation (AUL) Opinion Form</i> |

< **NOTE:** The Instruction Manual for BWSC Forms assumes a basic understanding of the Waste Site Cleanup Program on the part of the reader. Use of these instructions does not substitute for reading and understanding the MCP (i. e., 310 CMR 40.0000). Wherever conflicts arise between the Manual and relevant regulations, the regulations shall prevail.

BWSC-104: RESPONSE ACTION OUTCOME (RAO) STATEMENT & DOWNGRADIENT PROPERTY STATUS TRANSMITTAL FORM

Use form BWSC-104 to submit the following documents:

- ! Response Action Outcome (RAO) Statement
- ! Phase I Completion Statement supporting either an RAO Statement or a Downgradient Property Status Submittal
- ! Downgradient Property Status Submittal
- ! Termination of a Downgradient Property Status Submittal
- ! Periodic Review Opinion evaluating the status of a Temporary Solution

RESPONSE ACTION OUTCOME (RAO) STATEMENT

The RAO Statement reports the achievement of an RAO to DEP, pursuant to the MCP at 310 CMR 40.1056. The RAO Statement also documents the outcome of actions taken in response to a release or threat of release of oil and/or hazardous materials.

An RAO Statement may document conditions at a site, a disposal site or a portion of a disposal site. The term "site" describes the location of a threat of release **OR** a disposal site. The terms "disposal site" and "portion of a disposal site" apply in cases where a release of oil and/or hazardous materials has occurred. See the MCP at 310 CMR 40.0006 for complete definitions of "site" and "disposal site".

A disposal site may encompass a portion of a property, all of a property, or all or portions of multiple properties. Therefore, the terms "disposal site" and "property" are not interchangeable when filing an RAO.

< **NOTE:** You may not submit an RAO Statement for an entire property unless you have first assessed the entire property and addressed all reportable releases and threats of release, as required by the MCP.

In cases where an RAO relies upon one or more Activity and Use Limitations (AULs), the MCP requires you to register and/or record the AUL(s) **PRIOR** to the submission of the RAO Statement. The supporting documentation for the RAO Statement must include a certified copy of each AUL attached to an AUL Transmittal Form (BWSC-113).

< **NOTE:** A notice of the availability of an RAO Statement must be sent to both the Chief Municipal Official and the Board of Health when you submit the RAO Statement to DEP.

Only those RAO Statements submitted for Tier IA Sites are subject to DEP approval. For further information regarding RAO requirements, see the MCP at 310 CMR 40.1000.

PHASE I COMPLETION STATEMENT

Use BWSC-104 as a Phase I Completion Statement only if the Phase I Report supports either an RAO Statement or a Downgradient Property Status Submittal. If the Phase I Report is being used to support tier classification of a disposal site, use a Tier Classification Submittal Transmittal Form (BWSC-107A) as the Phase I Completion

Statement. If submitting a Phase I Report for any other purpose, use a Comprehensive Response Action Transmittal Form & Phase I Completion Statement (BWSC-108). See 310 CMR 40.0480 for more information about Phase I Completion Statements.

< **NOTE:** A notice of the availability of a Phase I Report must be sent to both the Chief Municipal Official and the Board of Health when you submit a Phase I Completion Statement to DEP.

DOWNGRADIENT PROPERTY STATUS SUBMITTAL AND TERMINATION OF A DOWNGRADIENT PROPERTY STATUS SUBMITTAL

A Downgradient Property Status Submittal establishes a claim that the source of contamination at a property is located at an upgradient location outside the property's boundaries. Each Downgradient Property Status Submittal applies to a single parcel of land; multiple downgradient parcels require multiple submittals. A Downgradient Property Status exempts the owner and operator of a property from having to comply with certain MCP requirements, including the requirement to either Tier Classify or submit a Response Action Outcome Statement within one year of the date of notification of the release. A Downgradient Property Status Submittal also suspends the collection of annual compliance fees for the release that is the subject of the submittal following the conclusion of the current billing period.

If any of the criteria required to establish a Downgradient Property Status are no longer valid, the Downgradient Property Status must be terminated.

For more information about the Downgradient Property Status Submittal, see 310 CMR 40.0180.

PERIODIC REVIEW OPINION

You must provide a Periodic Review Opinion for disposal sites that have achieved a Temporary Solution. An Opinion must be provided at least every fifth year following submittal of either a Class C RAO Statement or a Waiver Completion Statement with a Temporary Solution. For more information about Periodic Evaluation Opinions, see 310 CMR 40.0580.

INSTRUCTIONS FOR RESPONSE ACTION OUTCOME (RAO) STATEMENT & DOWNGRADIENT PROPERTY STATUS SUBMITTAL (BWSC-104):

1. Release Tracking Number

Always provide a Release Tracking Number, unless submitting an RAO Statement concurrent with a Release Notification Form (BWSC-103) reporting only 120 Day release conditions. See "Release Tracking Number Field" in Part II of this Manual for further instructions.

A. SITE OR DOWNGRADIENT PROPERTY LOCATION SECTION

Always complete Section A of the form. If submitting an RAO Statement or Periodic Review Opinion, provide the address for the affected site, disposal site or portion of disposal site. In addition to the location information provided on the form, the MCP at 310 CMR 40.1003(4) states that an RAO Statement must clearly and accurately identify the location of a site subject to an RAO, and the location **AND** boundaries of a disposal site subject to an RAO. A site plan is the preferable method of providing this information.

If submitting a Downgradient Property Status Submittal, provide the address for the property that is the subject of the submittal. In addition to the location information provided on the form, a Downgradient Property Status Submittal **MUST** include a site plan identifying both the boundaries of the property subject to the action, and, to the extent defined, the boundaries of the associated disposal site.

2. Location Name and Address

See "Location Section" in Part II of the Manual for instructions.

3. Tier Classification

Check this box if the site location that is the subject of the form has been Tier Classified. State the Tier I Permit Number, if applicable.

< **NOTE:** Do **NOT** check this box if tier classification is due to a default to Tier IB status due to a failure to make certain required submittals in a timely manner.

4. Related Release Tracking Numbers

See "Location Section" in Part II of the Manual for instructions.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the form. Check the boxes for **ALL** uses of the form that apply to your submission.

5. RAO Statement

Check this box if submitting an RAO Statement. Also complete Sections A, C, D, E, F, H, I, J and L of the form.

If appropriate, check the box to indicate that an RAO Statement was previously submitted for any of the Release Tracking Numbers cited on the form (i. e., the submittal is a Revised RAO Statement). If so, state the submittal date(s) for any previous RAO Statement(s). Your supporting documentation must include a description of the relationship between this Revised RAO Statement and any previous RAO Statement submitted to DEP.

If appropriate, check the box to indicate if any response actions remain to be taken for conditions related to any of the releases or threats of release whose Release Tracking Numbers are stated on the form (i. e., the submittal is an RAO-Partial Statement). List those relevant Release Tracking Numbers in the space provided. An RAO-Partial Statement will be recorded for these Release Tracking Numbers; a full RAO Statement must still be submitted at a latter date. Your supporting documentation must include a description of the additional response actions needed to address releases and threats of releases associated with these Release Tracking Numbers.

6. Phase I Completion Statement

Check this box if submitting a final Phase I Report in support of either an RAO Statement or a Downgradient Property Status Submittal. Also complete Sections A, H, I, J and L of the form.

If submitting a final Phase I Report to support a Tier Classification, use a Tier Classification Transmittal Form (BWSC-107A). If submitting a final Phase I Report for any other purpose, use a Comprehensive Response Action Transmittal Form & Phase I Completion Statement (BWSC-108).

7. Downgradient Property Status Submittal

Check this box if submitting a Downgradient Property Status Submittal. Indicate whether this is a revised submittal, and if so, the date on which the prior submittal was made. Also complete Sections A, G, H, I, J, and L of the form.

8. Termination of a Downgradient Property Status Submittal

Check this box if using the form to terminate Downgradient Property Status. Also complete Sections A, I, J and L of the form.

9. Periodic Review Opinion

Check this box if submitting a Periodic Review Opinion evaluating the status of a Temporary Solution.

Indicate whether this submittal evaluates the status of a Class C RAO Statement or a Waiver Completion Statement with a Temporary Solution. Provide the date on which the Class C RAO Statement or Waiver Completion Statement was provided to DEP. Also complete Sections A, H, I, J and L of the form.

C. DESCRIPTION OF RESPONSE ACTIONS SECTION

Complete Section C only if using the form to submit an RAO Statement. Summarize the response actions completed. See "Description of Response Actions Section" in Part II of the Manual for further instructions.

D. TRANSPORT REMEDIATION WASTE SECTION

Complete Section D only if using the form to submit an RAO Statement. See "Transport of Remediation Waste Section" in Part II of the Manual for further instructions.

E. RESPONSE ACTION OUTCOME CLASS SECTION

Complete Section E only if using the form to submit an RAO Statement. Check the box indicating the RAO Class that applies to the site or disposal site. **CHECK ONLY ONE BOX.** See 310 CMR 40.1030 through 40.1050 for further information describing the requirements for achieving each Class of RAO.

< **NOTE:** The MCP requires that remedial actions undertaken to achieve a Class A RAO shall, to the extent feasible, achieve or approach background levels of oil and hazardous materials found in the environment.

< **NOTE:** By definition, Class A and Class B RAOs are not applicable in cases where Active Operation and Maintenance continues after the submittal of an RAO Statement.

10. Class A-1 RAO

Check this box if submitting a Class A-1 RAO Statement. You must indicate either that contamination has been reduced to background levels or that a threat of release has been eliminated. If you state that contamination has been reduced to background levels, you **MUST** attach documentation appropriate to the disposal site indicating that background level(s) have been achieved. A definition of background level is found at 310 CMR 40.0006.

11. Class A-2 RAO

Check this box if submitting a Class A-2 RAO Statement. You must provide written justification, based upon the criteria at 310 CMR 40.0860, explaining why it was infeasible for remedial actions to achieve or approach background.

12. Class A-3 RAO

Check this box if submitting a Class A-3 RAO Statement. You must provide written justification, based upon the criteria at 310 CMR 40.0860, explaining why it was infeasible for remedial actions to achieve or approach background. In addition, your submittal must include a copy of one or more Activity and Use Limitations certified by the responsible Registry of Deeds and/or Land Registration Office. Attach a certified copy of each Activity and Use Limitation to a completed Activity and Use Limitation Transmittal Form (BWSC-113).

If applicable, provide the earlier of the two following dates:

- ! The expiration date of the Activity and Use Limitation, if any; or
- ! The date on which the design life of the remedy will expire, if the remedy has a finite life span.

13. Class B-1 RAO

Check this box if submitting a Class B-1 RAO Statement. You must indicate whether contamination **IS** or **IS NOT** consistent with background levels. A definition of background level is found at 310 CMR 40.0006.

14. Class B-2 RAO

Check this box if submitting a Class B-2 RAO Statement. Your submittal must include a copy of one or more Activity and Use Limitations certified by the responsible Registry of Deeds and/or Land Registration Office. Attach a certified copy of each Activity and Use Limitation to a completed Activity and Use Limitation Transmittal Form (BWSC-113). State the expiration date of the Activity and Use Limitation, if any.

15. Class C RAO

Check this box if submitting a Class C RAO Statement. You must indicate if post-RAO Operation, Maintenance or Monitoring will be conducted at the disposal site. If so, you must check the box for one of the following:

- ☐ Active Operation and Maintenance will be conducted, as defined at 310 CMR 40.0006 (see the DEP Timely Action Schedule and Fee Provisions at 310 CMR 4.03 for the effect on Annual Compliance Fees);
- ☐ Passive Operation and Maintenance will be conducted; or
- ☐ Only Monitoring will be conducted.

Supporting documentation for the RAO Statement must include a description of any operation, maintenance, and/or monitoring activities required to confirm or maintain RAO conditions, or to make progress toward a Permanent Solution.

F. RESPONSE ACTION OUTCOME INFORMATION SECTION

Complete Section F only if using the form to submit an RAO Statement.

16. RAO Compliance Fee

Check the box to certify payment of a \$750 RAO Compliance Fee. You must pay an RAO Compliance Fee if you file an RAO Statement more than 120 days after the notification date and prior to tier classification. You must also pay this fee if your site defaults to Tier IB status because the one year deadline for tier classification was missed **AND** you file an RAO Statement during the 90 day period following the tier classification deadline. The notification date is the date a person, defined by the MCP at 310 CMR 40.0331, "Who Shall Notify", first notifies DEP of a release or threat of release or is served a Notice of Responsibility, whichever date comes earlier.

< **NOTE:** Payment of an RAO Compliance Fee for a site that has defaulted to Tier IB status does **NOT** waive payment of a Tier IB Annual Compliance Fee for the first year following the notification date.

< **NOTE:** With the exception of the 90 day period after a site has defaulted to Tier IB status, you are not required to pay an RAO Compliance Fee when submitting an RAO Statement for a Tier Classified Site or Transition Site.

When submitting an RAO Compliance Fee, attach a copy of the first page of the RAO Statement to the payment. Include the Release Tracking Number on the payment. Send both the copy and the payment to the DEP Lockbox at the following address:

Department of Environmental Protection

P. O. Box 4062
Boston, MA 02211

As proof of payment, attach **ONLY** a photocopy of the check or money order to the original RAO Statement; do not submit the payment itself to a regional office. Failure to follow these directions will result in a delay in the listing of the RAO by DEP.

For further information regarding the RAO Compliance Fee, see the DEP Timely Action Schedule and Fee Provisions at 310 CMR 4.03.

17. Activity and Use Limitations

Check this box to indicate that supporting documentation for the RAO Statement includes one or more fully implemented Activity and Use Limitations. Check the box(es) to indicate whether the Activity and Use Limitation(s) is (are) a Grant of Environmental Restriction, a Notice of Activity and Use Limitation or both. Indicate in the space provided the number of Activity and Use Limitations included in the supporting documentation.

You must submit a copy of each implemented Activity and Use Limitation certified by the responsible Registry of Deeds and/or Land Registration Office. Attach each Activity and Use Limitation to a completed Activity and Use Limitation Transmittal Form (BWSC-113). For further information about Activity and Use Limitations, see 310 CMR 40.1070 through 40.1084.

< **NOTE:** If an AUL is required to support an RAO, the RAO Statement will not be considered complete unless all supporting documentation for the Activity and Use Limitation is submitted with the RAO Statement.

< **NOTE:** When an RAO Statement is submitted to DEP, you must notify the Chief Municipal Official and Board of Health of the availability of that submittal.

18. Risk Characterization Method(s), Soil Category(ies) and Groundwater Category(ies)

Check boxes to indicate all risk characterization method(s) used to achieve the RAO and all soil and groundwater categories that apply to the site, even if more stringent soil and groundwater standards were actually met. Take note of the following information when filling out this section of the form:

- ! Risk characterization is not required for any Class A-1 RAO, or for Class B-1 RAOs where contamination is consistent with background levels. In such cases do not check any box on the form indicating a risk characterization method.
- ! When submitting any Class A-2 RAO, or a Class B-1 RAO where contamination is not consistent with background levels, you cannot use an Activity and Use Limitation Opinion to maintain a level of no significant risk. Therefore, you must meet S-1 soil standards if using risk characterization method 1.

See 310 CMR 40.0900 for further information regarding risk characterization methods. See 310 CMR 40.0933 for further information regarding soil categories and standards. See 310 CMR 40.0932 for further information regarding groundwater categories and standards.

G. DOWNGRADIANT PROPERTY STATUS SUBMITTAL SECTION

Complete Section G only if using the form to submit a Downgradient Property Status Submittal.

19. Downgradient Property Status Submittal Fee

Check the box to certify payment of a one time \$1000 Downgradient Property Status Submittal Compliance Fee for submittals provided prior to tier classification. In addition, until June 1, 1995, DEP requires payment of the Compliance Fee for a submittal provided for a site tier classified pursuant to 310 CMR 40.0500. In the latter case, payment of the Downgradient Property Status Submittal Fee is in lieu of a Tier I or Tier II Annual Compliance Fee.

When submitting a Downgradient Property Status Compliance Fee, attach a copy of the first page of the transmittal form to the payment. Include the Release Tracking Number on the payment. Send both the copy and the payment to the DEP Lockbox at the following address:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

As proof of payment, attach **ONLY** a photocopy of the payment to the original Downgradient Property Status Submittal; do not submit the payment itself to a regional office. Failure to follow these directions will result in a delay in the listing of the Downgradient Property Status Submittal by DEP.

For further information regarding the Downgradient Property Status Submittal Compliance Fee, see the DEP Timely Action Schedule and Fee Provisions at 310 CMR 4.03.

20. Unrelated Releases at a Property

Check this box if any other releases of oil(s) and/or hazardous material(s), which are not the subject of the Downgradient Property Status Submittal, occurred at the property described in Section A. Provide a Release Tracking Number for each such release, using old Site and Spill Identification Numbers if appropriate.

H. LSP OPINION SECTION

An LSP Opinion is not necessary if using the form to terminate Downgradient Property Status. See "LSP Opinion Section" in Part II of the Manual for further instructions.

I. PERSON MAKING SUBMITTAL SECTION

Always complete Section I of the form. See "Person Section" in Part II of the Manual for further instructions.

J. RELATIONSHIP TO SITE OF PERSON MAKING SUBMITTAL SECTION

Always complete Section J of the form. See "Relationship Section" in Part II of the Manual for further instructions.

K. CERTIFICATION OF PERSON MAKING DOWNGRADIANT PROPERTY STATUS SUBMITTAL SECTION

Complete Section K if using the form to submit a Downgradient Property Status Submittal. See "Certification Section" in Part II of the Manual for further instructions.

L. CERTIFICATION OF PERSON MAKING SUBMITTAL SECTION

Complete Section L if using the form for any purpose other than submitting a Downgradient Property Status Submittal. See "Certification Section" in Part II of the Manual for further instructions.

< **NOTE:** You may need to complete both Section K and L, for example if you are using this form to submit both a Phase I Completion Statement and a Downgradient Property Status Submittal.

BWSC-105: IMMEDIATE RESPONSE ACTION (IRA) TRANSMITTAL FORM

Use form BWSC-105 to submit the following documents:

- ! Immediate Response Action (IRA) Plan
- ! Imminent Hazard Evaluation
- ! Immediate Response Action (IRA) Status Report
- ! Request to Terminate an Active Remedial System and/or Continuing Response Action(s) Taken to Address an Imminent Hazard
- ! Immediate Response Action (IRA) Completion Statement

IMMEDIATE RESPONSE ACTION (IRA)

IRAs consist of assessment and/or remedial actions that DEP requires to be undertaken to address Two Hour and 72 Hour Reporting Conditions, Substantial Release Migrations and other release conditions where DEP determines that an IRA is necessary. See the MCP at 310 CMR 40.0410 through 40.0429 for further information about Immediate Response Actions.

IMMEDIATE RESPONSE ACTION (IRA) PLAN

Whenever you submit a written IRA Plan to DEP you must attach an IRA Transmittal Form under the regulations established by the MCP at 310 CMR 40.0424(3). The IRA Plan Transmittal Form also must accompany significant updates and modifications to previously approved written IRA plans.

Most IRA Plans are subject to DEP approval. Except for plans submitted for Tier IA Sites, you may presume approval of a written IRA Plan, if DEP does not issue written approval or denial within 21 days of receipt. See the MCP at 310 CMR 40.0420 for further information about IRA Plan approvals and for information describing when a written IRA Plan is required.

IMMINENT HAZARD

The IRA Transmittal Form is also for use by persons who must submit to DEP information related to Imminent Hazards, pursuant to the MCP at 310 CMR 40.0426. The MCP describes two types of submittals related to Imminent Hazards:

- ! An Imminent Hazard Evaluation Opinion for every release or threat of release which could pose an Imminent Hazard; and
- ! A Request to Terminate an Active Remedial System and/or Terminate a Continuing Response Action(s) Taken in Response to an Imminent Hazard.

An Imminent Hazard Evaluation Opinion must be submitted for every release or threat of release that could pose an Imminent Hazard. See the MCP at 310 CMR 40.0321(2) for types of release and threat of release conditions that could pose an Imminent Hazard. The Imminent Hazard Evaluation must be initiated within two weeks of obtaining

knowledge of the condition(s) that could pose an Imminent Hazard, and DEP must receive the Opinion within 60 days of obtaining such knowledge. An Evaluation Opinion is not subject to DEP approval.

The IRA Transmittal Form also must accompany written requests to Terminate an Active Remedial System and/or Terminate a Continuing Response Action(s) Taken to Address an Imminent Hazard. Such termination requests are subject to DEP approval. You may presume approval if DEP does not issue written approval or denial within 21 days of receipt.

< **NOTE:** A notice must be sent to the Chief Municipal Official and the Board of Health whenever an IRA is implemented to address an Imminent Hazard. Also, when an IRA Completion Statement is submitted to DEP for an IRA taken to address an Imminent Hazard, the Chief Municipal Official and the Board of Health must be notified of the availability of that submittal.

IMMEDIATE RESPONSE ACTION (IRA) STATUS REPORT

Each IRA Status Report you submit to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0425. An IRA Status Report is due 120 days after DEP first learned of your intention to conduct the IRA. You must submit follow-up Status Reports every six months thereafter. IRA Status Reports are no longer required once you submit to DEP either an IRA Completion Statement (BWSC-105) or a Response Action Outcome Statement (BWSC-104). DEP does not approve IRA Status Reports.

IMMEDIATE RESPONSE ACTION (IRA) COMPLETION STATEMENT

Each IRA Completion Report you submit to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0427. The Transmittal Form serves as the IRA Completion Statement. An IRA Completion Statement must be filed following completion of an IRA, unless a Response Action Outcome Completion Statement (BWSC-104) is filed for the same release or threat of release within 120 days after DEP first learned of your intention to conduct an IRA. DEP does not approve IRA Completion Statements.

INSTRUCTIONS FOR IMMEDIATE RESPONSE ACTION (IRA) TRANSMITTAL FORM (BWSC-105)

1. Release Tracking Number

All IRA Transmittal Forms submitted to DEP must include a Release Tracking Number. See "Release Tracking Number Field" in Part II of the Manual for further instructions.

A. RELEASE OR THREAT OF RELEASE LOCATION SECTION

Always complete Section A of the form.

2. Release or Threat of Release Name and Address

See "Location Section" in Part II of the Manual for instructions.

3. Tier Classification

Check this box if the release described by the Transmittal Form has been tier classified.

< **NOTE:** Do **NOT** check this box if tier classification is based on a default to Tier IB status due to a failure to make certain required submittals in a timely manner.

4. Adequately Regulated

Check this box if the location subject to the IRA is Adequately Regulated either by another DEP program or by another agency. Check the box for the appropriate type of regulatory authority. See the MCP at 310

CMR 40.0110 through 40.0114 for further information about eligible facilities and regulatory requirements.

5. Related Release Tracking Numbers

See "Location Section" in Part II of the Manual for instructions.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the form. Check the boxes for **ALL** uses of the form that apply to your submission.

6. IRA Plan

Check this box if submitting an IRA Plan. Also complete Sections A, C, D, E, H, I, J and K of the Transmittal Form.

If appropriate, check the box to indicate that the current submittal updates or modifies a previous IRA Plan, and state the submittal date(s) for the previous IRA Plan(s). Include in the Revised IRA Plan a description of the relationship between the current and previous submittals.

7. Imminent Hazard Evaluation

Check this box if submitting an Imminent Hazard Evaluation. Also complete Sections A, C, F, H, I, J and K of the Transmittal Form.

8. IRA Status Report

Check this box if submitting an IRA Status Report. Also complete Sections A, C, E, H, I, J and K of the Transmittal Form.

9. Request to Terminate Active System

Check this box if submitting a Request to Terminate an Active Remedial System and/or Terminate a Continuing Response Action Taken to Address an Imminent Hazard. Also complete Sections A, C, D, E, H, I, J and K of the Transmittal Form.

10. IRA Completion Statement

Check this box if submitting an IRA Completion Statement. Also complete Sections A, C, D, E, G, H, I, J and K of the Transmittal Form.

C. RELEASE OR THREAT OF RELEASE CONDITIONS SECTION

Always complete Section C of the form.

11. Media/Receptors Affected

Check the box(es) to identify all media and receptors affected or likely to be affected by the release or threat of release that is the subject of this submittal. If you check the box for "Other", briefly describe the additional media and receptors.

12. Conditions Requiring IRA

Check the box(es) to identify all conditions that require an IRA to respond to the release or threat of release that is the subject of this submittal. Also provide a brief description of the conditions.

The MCP at 310 CMR 40.0311 and 40.0312 describes Two Hour reporting conditions. The MCP at 310 CMR 40.0313 and 40.0314 describes 72 Hour reporting conditions. The MCP at 310 CMR 40.0413 describes conditions that indicate Substantial Release Migration.

< **NOTE:** DEP must be notified of your intention to conduct an IRA within 72 hours of the discovery of Substantial Release Migration.

13. Oils and Hazardous Materials Released

Check the box(es) to identify the category(ies) of oil(s) and/or hazardous material(s) released in connection

with the conditions that require the IRA. If you check the box for "Others", briefly describe the substances released.

D. DESCRIPTION OF RESPONSE ACTIONS SECTION

Complete Section D only if using the Transmittal Form to submit an IRA Plan, IRA Completion Statement or a Request to Terminate an Active System and/or Terminate a Continuing Response Action Taken to Address an Imminent Hazard. If submitting an IRA Plan, describe the response actions proposed. If submitting either an IRA Completion Statement or a "Request to Terminate" describe the response actions completed. See "Description of Response Actions Section" in Part II of the Manual for further instructions.

E. TRANSPORT OF REMEDIATION WASTE SECTION

Complete Section E if using the Transmittal Form for any purpose other than submission of an Imminent Hazard Evaluation. See "Transport of Remediation Waste Section" in Part II of the Manual for further instructions.

F. IMMINENT HAZARD EVALUATION SUMMARY SECTION

Complete Section F only if using the Transmittal Form to submit an Imminent Hazard Evaluation Opinion. Check the single box that summarizes the Imminent Hazard Evaluation Opinion.

G. IRA COMPLETION STATEMENT SECTION

Complete Section G only if using the Transmittal Form as an IRA Completion Statement.

Check this box if future response actions taken to address the release or threat of release will occur as part of the response actions taken to address one of the following:

- ! A disposal site that has been previously Tier Classified under another Release Tracking Number; or
- ! A site that is identified on the 1993 Transition List or any addendum thereto, described in the MCP at 310 CMR 40.0600, including disposal sites with approved waivers.

The term "future response actions" refers to any response actions required following completion of the IRA.

If you check this box, state the Release Tracking Number for the tier classified or transition site in the space provided. The Site Identification Number of a transition site is its Release Tracking Number. The future response actions must occur according to the schedule and deadlines applicable to the tier classified or transition site cited.

H. LSP OPINION SECTION

Always complete Section H of the form. See "LSP Opinion Section" in Part II of the Manual for further instructions.

I. PERSON UNDERTAKING IRA SECTION

Always complete Section I of the form. See "Person Section" in Part II of the Manual for further instructions.

14. Change in Person Undertaking IRA

Check this box if there has been a change in the person undertaking the IRA, since DEP received the previous submittal for the IRA.

J. RELATIONSHIP TO RELEASE OR THREAT OF RELEASE SECTION

Always complete Section J of the form. See "Relationship Section" in Part II of the Manual for further instructions.

K. CERTIFICATION OF PERSON UNDERTAKING IRA SECTION

Always complete Section K of the form. See "Certification Section" in Part II of the Manual for further instructions.

BWSC-106: RELEASE & UTILITY-RELATED ABATEMENT MEASURE (RAM & URAM) TRANSMITTAL FORM

Use form BWSC-106 to submit the following documents:

- ! Release Abatement Measure (RAM) Plan
- ! Release Abatement Measure (RAM) Status Report
- ! Release Abatement Measure (RAM) Completion Statement
- ! Utility-related Abatement Measure (URAM) Notification
- ! Utility-related Abatement Measure (URAM) Status Report
- ! Utility-related Abatement Measure (URAM) Completion Statement

RELEASE ABATEMENT MEASURE (RAM)

RAMs are remedial actions voluntarily undertaken by persons conducting response actions at disposal sites. RAMs are ordinarily performed at disposal sites where only 120 Day reporting conditions currently exist.

RELEASE ABATEMENT MEASURE (RAM) PLAN

Whenever you submit a written RAM Plan to DEP you must attach a Transmittal Form, under the regulations established by the MCP at 310 CMR 40.0444(3). The RAM Plan Transmittal Form also must accompany significant updates and modifications to previously approved written RAM plans.

Written RAM Plans are subject to DEP approval under the following conditions:

- ! A Tier Classification Submittal (BWSC-107A) has yet to be submitted for the disposal site;
- ! The disposal site is classified as Tier IA; or
- ! An IRA is ongoing at the disposal site.

Except for written RAM Plans submitted for Tier IA Sites and at disposal sites where an IRA is ongoing, you may presume approval of a written RAM Plan when DEP does not issue written approval or denial within 21 days of receipt. See the MCP at 310 CMR 40.443 for further information about approvals required to conduct RAMs and for information about when you may provide an oral RAM Plan.

RAM Plans proposing the excavation of more than 1500 cubic yards of contaminated soil must include a statement certifying that the person conducting the RAM has the financial resources to manage excavated materials in accordance with the MCP. See 310 CMR 40.0442(4) for more information.

< **NOTE:** A notice must be sent to the Chief Municipal Official and the Board of Health at least seven days prior implementation of a RAM Plan.

RELEASE ABATEMENT MEASURE (RAM) STATUS REPORT

Each RAM Status Report you submit to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0445. A RAM Status Report is due 120 days after first obtaining oral, written or presumptive DEP approval of the RAM, or 120 days after submitting the RAM Plan if DEP approval is not required. You must submit follow-up Status Reports every six months thereafter. RAM Status Reports are no longer required once you submit to DEP either a RAM Completion Statement (BWSC-106) or a Response Action Outcome Statement (BWSC-104). DEP does not approve RAM Status Reports.

RELEASE ABATEMENT MEASURE (RAM) COMPLETION STATEMENT

Each RAM Completion Report you submit to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0446(5). The Transmittal Form serves as the RAM Completion Statement. A RAM Completion Statement must be filed following completion of a RAM, unless a Response Action Outcome Completion Statement (BWSC-104) is filed for the same disposal site within 120 days of obtaining DEP oral, written or presumptive approval of the RAM. DEP does not approve RAM Completion Statements.

UTILITY-RELATED ABATEMENT MEASURE (URAM)

URAMs consist of response actions undertaken in connection with utility construction activities by utility companies, public agencies or authorities, or persons conducting site preparation work on their behalf. URAMs are limited in scope to those response actions necessary for completion of utility construction or repair. Prior to initiating a URAM in connection with new utility construction, you must evaluate the extent of contamination, cost of mitigation and remedial alternatives.

You may not undertake a URAM at a site until an IRA fully addresses all existing Two Hour and 72 Hour reporting conditions, as well as Substantial Release Migration conditions.

UTILITY-RELATED ABATEMENT MEASURE (URAM) NOTIFICATION

You must notify DEP of your intention to conduct a URAM. You must either provide written URAM Notification prior to starting any response actions, or confirm a URAM Notification in writing to DEP within seven days of providing oral notice of your intention to conduct a URAM. The regulations established in the MCP at 310 CMR 40.0462 require use of the Transmittal Form for that purpose. DEP does not approve URAM Notifications.

< **NOTE:** If you are a person who is required to notify pursuant to the MCP at 310 CMR 40.0331, you must also submit a Release Notification Form (BWSC-103).

Under most circumstances, you must provide the name and license number of an LSP engaged or employed in connection with the URAM as part of oral notification and/or written notification.

Except during utility emergencies, you must provide prior notice to the owner of the property where a URAM will be undertaken. In the event of emergency, the property owner must receive notice of the URAM as soon as possible.

UTILITY-RELATED ABATEMENT MEASURE (URAM) STATUS REPORT

Each URAM Status Report you submit to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0465. A URAM Status Report is due 120 days after first notifying DEP of

your intention to conduct the URAM. You must submit follow-up Status Reports every six months thereafter.

URAM Status Reports are no longer required once you submit to DEP a URAM Completion Statement (BWSC-106). DEP does not approve URAM Status Reports.

UTILITY-RELATED ABATEMENT MEASURE (URAM) COMPLETION STATEMENT

Each URAM Completion Report you submit to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0466(5). The Transmittal Form serves as the URAM Completion Statement. A URAM Completion Statement must be filed following completion of every URAM. An LSP Opinion is required as part of a URAM Completion Statement, unless the URAM falls within the soil volume limits described below in the LSP Opinion Section. DEP does not approve URAM Completion Statements.

RELEASE & UTILITY-RELATED ABATEMENT MEASURE (RAM & URAM) INSTRUCTIONS (BWSC-106)

1. Release Tracking Number

All RAM & URAM Transmittal Forms submitted to DEP must include a Release Tracking Number. See "Release Tracking Number Field" in Part II of the Manual for instructions.

A. SITE LOCATION SECTION

Always complete Section A of the form.

2. Site Address

See "Location Section" in Part II of the Manual for instructions.

3. Tier Classification

Check the box if the disposal site described on the Transmittal Form has been tier classified.

< **NOTE:** Do **NOT** check this box if tier classification is based on a default to Tier IB status due to a failure to make certain submittals in a timely manner.

4. Related Release Tracking Numbers

See "Location Section" in Part II of the Manual for instructions.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the form. Check the boxes for **ALL** uses of the form that apply to your submission.

5. RAM Plan

Check this box if submitting a RAM Plan. Also complete Sections A, C, D, E, F, J, K, L and M of the Transmittal Form.

If appropriate, check the box to indicate that the current submittal updates or modifies a previous RAM Plan submitted for the disposal site that is the subject of the RAM. If so, state the submittal date(s) for the previous RAM Plan(s). Include in the Revised RAM Plan a description of the relationship between the current and previous submittals.

6. RAM Status Report

Check this box if submitting a RAM Status Report. Also complete Sections A, C, E, J, K, L and M of the Transmittal Form.

7. RAM Completion Statement

Check this box if submitting a RAM Completion Statement. Also complete Sections A, C, D, E, G, J, K, L and M of the Transmittal Form.

8. URAM Notification

Check this box if providing or confirming notification of a URAM. Also complete Sections A, H, K, L and M of the Transmittal Form.

9. URAM Status Report

Check this box if submitting a URAM Status Report. Also complete Sections A, C, E, J, K, L and M of the Transmittal Form.

10. URAM Completion Statement

Check this box if submitting a URAM Completion Statement. Also complete Sections A, C, D, E, I, J, K, L and M of the Transmittal Form.

C. SITE CONDITIONS SECTION

Complete this section if using the form for any purpose other than providing or confirming a URAM Notification.

11. Source of Release

Check this box if the source(s) of the release(s) responsible for the disposal site addressed by the RAM or URAM is (are) known.

If one or more sources is known, check all appropriate boxes that describe the source(s). If you check the box for "Other", briefly describe the additional source(s).

12. Media/Receptors Affected

Check the box(es) to identify all media and receptors affected or likely to be affected at the disposal site. If you check the box for "Other", briefly describe the additional media and receptors.

13. Release Conditions at Site

Check the box(es) to identify all release or threat of release conditions at the site. Also provide a short description of the conditions.

The MCP at 310 CMR 40.0311 and 40.0312 describes Two Hour reporting conditions. The MCP at 310 CMR 40.0313 and 40.0314 describes 72 Hour reporting conditions. The MCP at 310 CMR 40.0315 describes 120 Day reporting conditions.

< **NOTE:** You may conduct a RAM concurrent with an IRA **ONLY** with written approval from DEP. You may **NOT** conduct a URAM if any Two Hour or 72 Hour reporting conditions exist at a site.

14. Oils and Hazardous Materials Released

Check the box(es) to identify the category(ies) of oil(s) and/or hazardous material(s) released in connection with the conditions that the RAM or URAM addresses. If you check the box for "Others", briefly describe the substances released.

D. DESCRIPTION OF RESPONSE ACTIONS SECTION

Complete Section D only if using the Transmittal Form to submit a RAM Plan, RAM Completion Statement or URAM Completion Statement. If submitting a RAM Plan, describe the response actions proposed. If submitting either a RAM or URAM Completion Statement, describe the response actions completed. See "Description of Response Actions Section" in Part II of the Manual for further instructions.

E. TRANSPORT OF REMEDIATION WASTE SECTION

Complete this section if using the form for any purpose other than providing or confirming a URAM Notification. See "Transport of Remediation Waste Section" in Part II of the Manual for further instructions.

F. RAM PLAN SECTION

Complete Section F only if using the Transmittal Form to submit a RAM Plan.

15. Previous Oral Approval

Check this box if the RAM received previous oral approval from DEP, and state the date of oral approval. DEP only orally approves proposed RAMs that continue response actions begun as a Limited Removal Action.

16. RAM Compliance Fee

Check the box to certify payment of the one time \$500 RAM Compliance Fee for a RAM proposed prior to Tier Classification. The RAM Compliance Fee is required unless you meet one of the following circumstances:

- ☐ The RAM is for a Priority disposal site conducting response actions in compliance with 310 CMR 40.0640; or
- ☐ The RAM is for a disposal site with an approved Waiver.
- ☐ The RAM is for a tier classified disposal site;

When submitting a RAM Compliance Fee, attach a copy of the first page of the transmittal form to the payment. Include the Release Tracking Number on the payment. Send both the copy and the payment to the DEP Lockbox at the following address:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

As proof of payment, attach **ONLY** a photocopy of the payment to the Transmittal Form; do not submit the payment itself to a regional office. Failure to follow these directions will result in a delay in approval of the RAM by DEP.

For further information regarding the RAM Compliance Fee, see the DEP Timely Action Schedule and Fee Provisions at 310 CMR 4.03.

17. Transition Site

Check this box if a RAM is proposed for a transition site. You may need to submit an LSP Evaluation Opinion (BWSC-110) prior to undertaking the RAM. This requirement applies to Locations To Be Investigated, Unclassified Disposal Sites and Nonpriority Sites without Waivers. For more information about transition sites, see the MCP at 310 CMR 40.0600. To determine if your disposal site is a transition site, see the Transition List of Confirmed Disposal Sites and Locations To Be Investigated and addenda thereto.

G. RAM COMPLETION STATEMENT SECTION

Complete Section F only if using the Transmittal Form as a RAM Completion Statement.

18. RAM Compliance Fee

Check this box if payment of a RAM Compliance Fee is required in connection with submission of the RAM Completion Statement. This circumstance only arises when DEP provides oral approval of an oral RAM Plan, and you did need not submit a written RAM Plan due to timely completion of the response action(s). See item 16 above for further information about how to submit a RAM Compliance Fee.

H. URAM NOTIFICATION SECTION

Only complete Section H if using the Transmittal Form to provide or confirm a URAM Notification.

19. Location Type

Check the box(es) that identify the type of property where the URAM will occur.

20. Utility Type

Check the box that identifies the type of utility that is the subject of the URAM. If you check the box for "Other", briefly describe the type of utility.

21. Oral Notice

Check this box if you provided DEP with oral notice of your intention to undertake a URAM prior to submitting this written confirmation.

22. Contact of Property Owner

Check this box if you did **NOT** contact the property owner prior to initiating the URAM. Your supporting documentation must explain why you did not contact the owner prior to starting work. Include the date and time when you ultimately made contact with the property owner.

23. New Utility Constructions

Check this box if the URAM will occur in connection with the construction of new utility facilities. If this is the case you must include documentation of the following information with your submittal:

- ! The nature and extent of encountered contamination;
- ! The scope and expense of necessary mitigation; and
- ! The benefits and limitations of project alternatives.

24. LSP Name

Under most circumstances, you must provide the name and license number of an LSP who you have engaged or employed in connection with the URAM. However, an LSP is not required for URAMs limited to the excavation of a cumulative total of either 100 cubic yards of soil contaminated by oil(s), 20 cubic yards contaminated by hazardous material(s), or 20 cubic yards contaminated by a mixture of oil(s) and hazardous material(s). These soil volume limits apply to the cumulative amount excavated during a URAM.

I. URAM COMPLETION STATEMENT SECTION

Only complete Section H if using the Transmittal Form as a URAM Completion Statement.

25. Extent of URAM Excavation.

Check the box if excavation of soil in connection with the URAM was limited to a cumulative total of either 100 cubic yards contaminated by oil(s), 20 cubic yards contaminated by hazardous material(s), or 20 cubic yards contaminated by a mixture of oil(s) and hazardous material(s).

J. LSP OPINION SECTION

Always complete Section J of the form, **UNLESS** submitting either a URAM Notification, or a URAM Completion Statement where excavation of soil was limited to a cumulative total of either 100 cubic yards contaminated by oil(s), 20 cubic yards contaminated by hazardous material(s) or 20 cubic yards contaminated by a mixture of oil(s) and hazardous material(s). See "LSP Opinion Section" in Part II of the Manual for further instructions.

K. PERSON UNDERTAKING RAM OR URAM SECTION

Always complete Section K of the form. See "Person Section" in Part II of the Manual for further instructions.

26. Change in Person Undertaking RAM or URAM

Check the box if there has been a change in the person undertaking the RAM or URAM since DEP received the previous submittal for the RAM or URAM.

L. RELATIONSHIP TO SITE SECTION

Always complete Section L of the form. See "Relationship Section" in Part II of the Manual for further instructions.

M. CERTIFICATION OF PERSON UNDERTAKING RAM OR URAM SECTION

Always complete Section M of the form. See "Certification Section" in Part II of the Manual for further instructions.

BWSC-107A&B: TIER CLASSIFICATION, TIER II EXTENSION & TIER II TRANSFER TRANSMITTAL FORM

Use form BWSC-107A&B to submit the following documents:

- ! Tier Classification Submittal for a Tier I or Tier II Site
- ! Notice That Additional Release Tracking Numbers are Being Linked to a Tier Classification Submittal, and rescoring of the disposal site(s) is not required at the present time
- ! Phase I Completion Statement supporting a Tier Classification Submittal
- ! Tier II Extension Submittal at a Tier II Site
- ! Tier II Extension Submittal following expiration of a Waiver
- ! Tier II Transfer Submittal at a Tier II Site
- ! Tier II Transfer Submittal for a Change in Persons Undertaking Response Actions at a Waiver Site

TIER CLASSIFICATION SUBMITTAL

Each Tier Classification Submittal you provide to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0510(2). Tier Classification Submittals must include a completed Numerical Ranking Scoresheet, found at 310 CMR 40.1500, as well as a final Phase I Report and Completion Statement, if not previously submitted. The Transmittal Form must also accompany a revised Tier Classification Submittal, which may also require a revised Numerical Ranking Scoresheet.

A Tier Classification Submittal may address a single disposal site located on a single property, multiple properties affected by a single disposal site, or multiple disposal sites located on a single property.

DEP does not approve Tier Classification Submittals. However, you may also need to submit a Tier I Permit Application, which is subject to DEP approval. See the MCP at 310 CMR 40.0500 for further information concerning Tier Classification Submittals.

< **NOTE:** You must publish in a community newspaper a legal notice indicating the classification or reclassification of a disposal. You must send a copy of this legal notice to the Chief Municipal Official and the Board of Health.

LINKING ADDITIONAL RELEASE TRACKING NUMBERS TO A TIER CLASSIFIED SITE

You may amend a Tier Classification Submittal to incorporate one or more additional releases reported at a tier classified site. You may link additional Release Tracking Numbers to a tier classified site under four sets of circumstances:

- ! Add a Release Tracking Number to a Tier II Site when rescoring of the disposal site **IS NOT** required. Check the third box in the This Form Is Being Used To Section and complete the Transmittal Form as directed.
- ! Add a Release Tracking Number to a Tier II Site when rescoring of the disposal site **IS** required;

do **NOT** check the third box in Section B. If rescoring **CHANGES** your tier classification, submit the revised Numerical Ranking Scoresheet, a Tier I Classification Submittal and a Tier I Permit application. If rescoring does **NOT** change the tier classification, submit a revised Numerical Ranking Scoresheet and a Revised Tier II Classification Submittal;

- ! Add a Release Tracking Number to a Tier I Site when rescoring of the disposal site **IS NOT** required. Check the third box in the This Form Is Being Used To Section, complete the Transmittal Form as directed, and also submit a Minor Permit Modification Transmittal Form (BWSC-109).
- ! Add a Release Tracking Number to a Tier I Site when rescoring of the disposal site **IS** required; do **NOT** check the third box in Section B. If rescoring **CHANGES** your tier classification, submit a revised Numerical Ranking Scoresheet, a Revised Tier I Classification Submittal and a Tier I Major Permit Modification Application. If rescoring does **NOT CHANGE** the tier classification, submit a revised Numerical Ranking Scoresheet, a Revised Tier I Classification Submittal and a Minor Permit Modification Transmittal Form (BWSC-109).

PHASE I COMPLETION STATEMENT

Use BWSC-107A as a Phase I Completion Statement only if the Phase I Report supports a Tier Classification Submittal. If the Phase I Report supports either an RAO Statement or a Downgradient Property Status Submittal, use an RAO Statement & Downgradient Property Status Submittal (BWSC-104) as the Completion Statement. If submitting a Phase I Report for any other purpose, use a Comprehensive Response Action Transmittal Form & Phase I Completion Statement (BWSC-108). See 310 CMR 40.0480 for more information about Phase I Completion Statements.

< **NOTE:** A notice of the availability of a Phase I Report must be sent to the Chief Municipal Official and the Board of Health concurrent with the submittal of a Phase I Completion Statement and Report to DEP.

TIER II EXTENSION SUBMITTAL

You must submit a Tier II Extension Submittal requesting additional time to achieve an RAO, if you cannot provide DEP with either one of the following:

- ! An RAO Statement (BWSC-104) prior to the expiration of a Tier II classification; or
- ! A Waiver Completion Statement prior to the expiration of a Waiver.

Each Tier II Extension Submittal provided to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0560(7)(c)(1).

You must provide a Tier II Extension Submittal at least 60 days prior to the date of expiration of tier classification or a Waiver. DEP has 60 days following receipt to issue a written denial; the extension request is approved if DEP does not act within that time period. Acceptance by DEP extends the deadline for submittal of an RAO Statement (BWSC-104) by one year. You may request further one year time extensions to complete response actions at a disposal site.

< **NOTE:** If you obtain an extension for a disposal site subject to a Waiver, **THE WAIVER IS TERMINATED** and you must proceed with all future response actions under the regulations applicable to Tier II Sites without a Waiver.

For further information about Tier II Extensions, see the MCP at 310 CMR 40.0560(7) and 40.0630(4).

TIER II TRANSFER SUBMITTAL

If you propose to change the person(s) undertaking response actions at either a Tier II Site or a disposal site subject to a Waiver, you must first submit a Tier II Transfer Submittal to DEP. Each Tier II Transfer Submittal provided to DEP must have a Transmittal Form attached, under the regulations established by the MCP at 310 CMR 40.0560(8)(b)(1).

You must provide a Tier II Transfer Submittal at least 60 days prior to the planned date of transfer of responsibilities. DEP has 60 days following receipt to issue a written denial; the transfer request is approved if DEP does not act within that time period. The recipient of a transfer must complete response actions by the same deadlines applicable to the person who first filed the Tier Classification Submittal or obtained the Waiver for the disposal site, whichever is appropriate.

< **NOTE:** By transferring responsibility for undertaking response actions at a disposal site subject to a Waiver, **THE WAIVER IS REVOKED**. You must proceed with all future response actions under the regulations applicable to Tier II Sites without a Waiver.

For further information about Tier II Transfers, see the MCP at 310 CMR 40.0580(8) and 40.0630(6).

INSTRUCTIONS FOR TIER CLASSIFICATION, TIER II EXTENSION & TIER II TRANSFER TRANSMITTAL FORM (BWSC-107A&B)

1. Release Tracking Number

Always provide a Release Tracking Number, unless submitting a Tier Classification Submittal concurrent with a Release Notification Form (BWSC-103) reporting only 120 Day release conditions. See the "Release Tracking Number Field" in Part II of the Manual for further instructions.

A. DISPOSAL SITE LOCATION SECTION

Always complete Section A of the form. Provide the address for the tier classified disposal site(s) that is (are) the subject of the Transmittal Form. See "Location Section" in Part II of the Manual for further instructions.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the form. Check the boxes for **ALL** uses of the form that apply to your submission.

2. Tier Classification Submittal for a Tier I Site

Check this box if submitting a Tier Classification Submittal for a Tier I Site. Also complete Sections A, C, I, J, K and L on BWSC-107A, the first part of the Transmittal Form. Do not complete BWSC-107B, the second part of the Transmittal Form.

3. Tier Classification Submittal for a Tier II Site

Check this box if submitting a Tier Classification Submittal for a Tier II Site. Also complete Sections A, C, F, G, I, J, K and L on BWSC-107A, the first part of the Transmittal Form. Do not complete BWSC-107B, the second part of the Transmittal Form.

4. Linking Additional Release Tracking Numbers

Check this box to link additional Release Tracking Numbers to a previously tier classified site when rescoring of the disposal site is **NOT** required at the present time. Cite the additional Release Tracking Numbers being linked. Also complete Sections A, C, J, K and L on BWSC-107A, the first part of the Transmittal Form. Do not complete BWSC-107B, the second part of the Transmittal Form.

< **NOTE:** If the additional Release Tracking Numbers are linked to a Tier I disposal site, you must also submit a Minor Permit Modification Transmittal Form (BWSC-109).

< **NOTE:** If rescoring of the disposal site is required, do not check this box. Instead, complete the Transmittal Form as you would for a revised tier classification submittal.

5. Phase I Completion Statement

Check this box if submitting a final Phase I Report to support a Tier Classification Submittal. Also complete Sections A, I, J, K and L on BWSC-107A, the first part of the Transmittal Form. Do not complete BWSC-107B, the second part of the Transmittal Form.

If submitting a final Phase I report for another purpose, use either an RAO Statement & Downgradient Property Status Transmittal Form (BWSC-104) or a Phase I Completion Statement & Comprehensive Response Action Transmittal Form (BWSC-108).

6. Tier II Extension Submittal for a Tier II Site

Check this box if submitting a Tier II Extension Submittal for a Tier II Site without a Waiver. Also complete Sections A, D, F, G, I, J, K and L on BWSC-107A, the first part of the Transmittal Form. Do not complete BWSC-107B, the second part of the Transmittal Form.

7. Tier II Extension Submittal for a Waiver Site

Check this box if submitting a Tier II Extension Submittal for a disposal site subject to a Waiver. Also complete Sections A, D, F, J, K and L, as well as either Sections G and I or Section H on BWSC-107A, the first part of the Transmittal Form. Do not complete BWSC-107B, the second part of the Transmittal Form.

8. Tier II Transfer Submittal for a Tier II Site

Check this box if submitting a Tier II Transfer Submittal for a Tier II Site without a Waiver. Also complete Sections A, E, F, G, I, J, K and L on BWSC-107A, the first part of the Transmittal Form. Also complete Sections M, N and O on BWSC-107B, the second part of the Transmittal Form.

9. Tier II Transfer Submittal for a Waiver Site

Check this box if submitting a Tier II Transfer Submittal for a disposal site subject to a Waiver. Also complete Sections A, E, F, J, K and L, as well as either Sections G and I or Section H on BWSC-107A, the first part of the Transmittal Form. Also complete Sections M, N and O on BWSC-107B, the second part of the Transmittal Form.

C. TIER CLASSIFICATION SUBMITTAL SECTION

Only complete Section C if using the Transmittal Form to submit a new or revised Tier Classification Submittal for either a Tier I or Tier II Site. A Tier Classification Submittal must include a completed Numerical Ranking Scoresheet, found at 310 CMR 40.1500. You must also provide a Phase I Report and Completion Statement for the disposal sites(s), if you have not previously done so.

10. Numerical Ranking Score

State the numerical ranking score calculated using the Numerical Ranking System Scoresheet prepared for the disposal site(s).

11. Proposed Tier Classification

Check the box for the tier classification determined by using both the Numerical Ranking System Scoresheet and Tier I inclusionary criteria.

12. Tier I Inclusionary Criteria

Check the appropriate box, if any, for Tier I inclusionary criteria met by the disposal site(s).

13. Revised Tier Classification Submittal

Check this box if this Tier Classification Submittal revises a previous submission to DEP. If a revised Numerical Ranking Scoresheet changes the tier classification of the disposal site(s) from Tier II to Tier I, you also need to submit a Tier I Permit Application. If rescoring changes the tier classification of a disposal site subject to a Tier I Permit, you must submit a Tier I Major Permit Modification Application.

D. TIER II EXTENSION SUBMITTAL REQUIREMENTS SECTION

Only complete Section D if submitting a Tier II Extension Submittal for either a Tier II Site or a disposal site subject to an expiring Waiver. Your submittal must include a statement explaining why you have not achieved a Permanent or Temporary Solution.

14. Expiration Date

State the expiration date for the most recent Tier II Classification Submittal or Waiver, whichever is applicable.

E. TIER II TRANSFER SUBMITTAL REQUIREMENTS SECTION

Only complete Section E if submitting a Tier II Transfer Submittal for either a Tier II Site or a disposal site with a Waiver. Your submittal must also include a statement explaining the reason(s) for the change in persons undertaking response actions.

15. Effective Date

State the proposed effective date for the change in person(s) undertaking response actions.

F. COMPLIANCE HISTORY FOR TIER II SITES SECTION

Always complete Section F of the form, unless providing a Tier Classification Submittal for a Tier I Site. Only provide compliance information related to the disposal site that is the subject of the Transmittal Form.

The person(s) who must provide the compliance history depends upon the use of the form. If more than one person must provide a compliance history or if a person must provide more information than fits on one page, use copies of page 2 of the Transmittal Form.

The following persons must provide a compliance history:

- ! For a Tier Classification Submittal for a Tier II Site, or a Tier II Extension Submittal for a Waiver Site, provide a compliance history for the person submitting the Transmittal Form, who is named in Section J;
- ! For any Tier II Transfer Submittal, provide a compliance history for the person who will undertake future response actions, who is named in Section M;
- ! For a Tier II Extension Submittal for a Tier II Site, provide an updated compliance history for the person submitting the Transmittal Form, who is named in Section J, **OR** check the box to indicate that the person's compliance history has remained unchanged since last submitting a compliance history for the disposal site.

< **NOTE:** The compliance history for a Tier I Site is provided as part of a Tier I Permit Application.

16. Other DEP Permits and Licenses

List DEP permits and licenses material to the disposal site(s) that is (are) the subject of the Transmittal Form. For each such permit or license, state the permit number, permit category and facility identification

number.

17. Other Federal, State and Local Permits

List Federal, state and local permits, licenses, certifications, registrations, variances and other approvals material to the disposal site(s) that is (are) the subject of the Transmittal Form. For each approval listed, state the name of the issuing authority, program name or documentation type, any identification number for the facility or permit and the date of issuance.

18. Compliance History of Applicant

Attach a statement describing enforcement actions taken against the person providing the compliance history which are related to that person's history of compliance at the disposal site(s) which is (are) the subject of the Transmittal Form. Include actions related to compliance with DEP requirements and with Federal, state and local laws and regulations protecting health, safety, public welfare and the environment. Provide the following information about each such enforcement action:

- ! The name of the issuing authority (e. g., DEP, Environmental Protection Agency, etc.);
- ! Type of enforcement action (e. g., Notice of Noncompliance, etc.);
- ! Any pertinent identification number for the facility, permit or action;
- ! Date on which the regulating agency initiated the action;
- ! A short description of the non-compliance;
- ! The current status of the matter; and
- ! The final disposition, if any.

G. CERTIFICATION OF ABILITY AND WILLINGNESS SECTION

You must complete Section G of the form, if using the Transmittal Form to provide any submittal related to a Tier II Site, including a Tier II Classification Submittal, Extension Submittal and Transfer Submittal. If providing either an Extension Submittal for a disposal site subject to a Waiver or a Transfer Submittal for a disposal site subject to a Waiver, you must either complete Section G or provide the alternative certification in Section H. For additional information, see the instructions for Section H.

The following persons must provide an appropriate version of the Ability and Willingness Certification:

- ! For a Tier Classification Submittal for a Tier II Site, the person submitting the Transmittal Form, who is named in Section J, must provide the certification;
- ! For an Extension Submittal, the person currently undertaking response actions, who is named in Section J, must provide the certification;
- ! For an Transfer Submittal, the person who will undertake future response actions, who is named in Section M (BWSC-107B), must provide the certification.

See "Certification Section" in Part II of the Manual for further instructions on how to complete the Ability and Willingness Certification.

< **NOTE:** The Ability and Willingness Certification for a Tier I Classification Submittal is provided as part of the Tier I Permit Application.

H. ALTERNATIVE CERTIFICATION OF ABILITY AND WILLINGNESS SECTION

If you provide either an Extension Submittal or Transfer Submittal for a disposal site subject to a Waiver and you substitute the services of a Consultant-of-Record for an LSP, you must use the alternative certification in Section H in place of the Ability and Willingness Certification in Section G.

The following persons may provide the alternative certification:

- ! For an Extension Submittal for a disposal site subject to a Waiver, the person currently undertaking response actions, who is named in Section J;
- ! For an Transfer Submittal for a disposal site subject to a Waiver, the person who will undertake response actions, who is named in Section M.

< **NOTE:** If you provide the alternative certification based on information provided by a Consultant-of-Record, you do **NOT** need to provide an LSP Opinion regarding the submittal.

See "Certification Section" in Part II of the Manual for further instructions on how to complete the alternative certification.

I. LSP OPINION SECTION

Always complete Section I of the form, **UNLESS** you provide the alternative certification in Section H in place of the Ability and Willingness Certification in Section G. See "LSP Opinion Section" in Part II of the Manual for further instructions.

J. PERSON MAKING SUBMITTAL SECTION

Always complete Section J of the form. The person making the submittal depends upon the use of the Transmittal Form:

- ! For any Tier Classification Submittal, provide information about the person who is currently or is proposing to undertake response actions;
- ! For any Extension Submittal, provide information about the person currently undertaking response actions;
- ! For any Transfer Submittal, provide information about the person **CURRENTLY** undertaking response actions; do **NOT** provide information about the person who proposes to undertake future response actions; use form BWSC-107B to provide information about the transferee.

See "Person Section" in Part II of the Manual for further instructions.

K. RELATIONSHIP TO DISPOSAL SITE OF PERSON MAKING SUBMITTAL SECTION

Always complete Section K of the form, providing information about the person named in Section J. See "Relationship Section" in Part II of the Manual for further instructions.

L. CERTIFICATION OF PERSON MAKING SUBMITTAL SECTION

Always complete Section L of the form, providing the certification of the person named in Section J. See

"Certification Section" in Part II of the Manual for further instructions.

Sections M, N and O comprise form BWSC-107B. Only use BWSC-107B to provide information about a person who will start to undertake response actions 60 days following DEP's receipt of a Transfer Submittal.

M. PERSON WHO IS TRANSFEREE SECTION

Complete Section M of the Form if providing any Transfer Submittal. State information about the person who proposes to undertake future response actions; do **NOT** provide information about the person currently undertaking response actions, who is named in Section J of form BWSC-107A. See "Person Section" in Part II of the Manual for further instructions.

N. RELATIONSHIP TO DISPOSAL SITE OF PERSON WHO IS TRANSFEREE SECTION

Complete Section N of the form if providing any Transfer Submittal, stating information about the person named in Section M. See "Relationship Section" in Part II of the Manual for further instructions.

O. CERTIFICATION OF PERSON WHO IS TRANSFEREE SECTION

Complete Section O of the form if providing any Transfer Submittal, stating information about the person named in Section M. See "Certification Section" in Part II of the Manual for further instructions.

BWSC-108: COMPREHENSIVE RESPONSE ACTION TRANSMITTAL FORM & PHASE I COMPLETION STATEMENT

Use form BWSC-108 to submit the following documents:

- ! Phase I Completion Statement (pursuant to 310 CMR 40.0484)
- ! Phase II Scope of Work (pursuant to 310 CMR 40.0834)
- ! Phase II Comprehensive Site Report and Completion Statement (pursuant to 310 CMR 40.0836)
- ! Phase III Remedial Action Plan and Completion Statement (pursuant to 310 CMR 40.0862)
- ! Phase IV Remedy Implementation Plan (pursuant to 310 CMR 40.0874)
- ! As-Built Construction Report (pursuant to 310 CMR 40.0875)
- ! Phase IV Final Inspection Report and Completion Statement (pursuant to 310 CMR 40.0878 and 310 CMR 40.0879)
- ! Phase V Inspection and Monitoring Report (pursuant to 310 CMR 40.0892)
- ! Phase V Inspection and Monitoring Report and Completion Statement (pursuant to 310 CMR 40.0893)

You may make multiple submissions using a single Transmittal Form. When submitted with a Completion Report, the Transmittal Form serves as the Completion Statement established by the DEP.

INSTRUCTIONS FOR COMPREHENSIVE RESPONSE ACTION TRANSMITTAL FORM & PHASE I COMPLETION STATEMENT (BWSC-108)

1. Release Tracking Number

Always provide a Release Tracking Number, unless submitting a Phase I Completion Statement concurrent with a Release Notification Form (BWSC-103) reporting only 120 Day release conditions. See "Release Tracking Number Field" in Part II of the Manual for further instructions.

A. SITE LOCATION SECTION

Always complete Section A of the form.

2. Site Address

See "Location Section" in Part II of the Manual for instructions.

3. Related Release Tracking Numbers

See "Location Section" in Part II of the Manual for instructions.

4. Tier Classification

Either check the box for the current tier classification of the disposal site, or check the box indicating that the site is not yet tier classified (Phase I Completion Statement only).

5. Permit Number

If DEP has issued a Tier I Permit for the disposal site, state the permit number.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the form. Check boxes for all documents attached to the Transmittal Form. For each document submitted, see the MCP at the citation noted for additional transmittal requirements.

6. Phase I Completion Statement

Check this box if submitting a Phase I Completion Statement. Also complete Sections A, C, G, H, I and J of the Transmittal Form. For more information about Phase I Completion Statements, see the MCP at 310 CMR 40.0484.

< **NOTE:** A notice of the availability of a Phase I Report must be sent to the Chief Municipal Official and the Board of Health concurrent with the submittal of a Phase I Completion Statement and Report to DEP.

7. Phase II Scope of Work

Check this box if submitting a Phase II Scope of Work. Also complete Sections A, C, G, H, I and J of the Transmittal Form. For more information about Phase II Scopes of Work, see the MCP at 310 CMR 40.0834.

8. Phase II Comprehensive Site Report and Completion Statement

Check this box if submitting a final Phase II Comprehensive Site Report and associated Phase II Completion Statement. Also complete Sections A, C, D, G, H, I and J of the Transmittal Form. For more information about Phase II Site Reports and Completion Statements see the MCP at 310 CMR 40.0836.

9. Phase III Remedial Action Plan and Completion Statement

Check this box if submitting a Phase III Remedial Action Plan and associated Phase III Completion Statement. Also complete Sections A, C, G, H, I and J of the Transmittal Form. For more information about Phase III Remedial Action Plans and Completion Statements, see the MCP at 310 CMR 40.0862.

10. Phase IV Remedy Implementation Plan

Check this box if submitting a Phase IV Remedy Implementation Plan. Also complete Sections A, C, G, H, I and J of the Transmittal Form. For more information about Phase IV Remedy Implementation Plans, see the MCP at 310 CMR 40.0874.

11. As-Built Construction Report

Check this box if submitting an As-Built Construction Report. Also complete Sections A, C, G, H, I and J of the Transmittal Form. For more information about As-Built Construction Reports, see the MCP at 310 CMR 40.0875.

12. Phase IV Final Inspection Report and Completion Statement

Check this box if submitting a Phase IV Final Inspection Report and associated Phase IV Completion Statement. Also complete Sections A, C, E, G, H, I and J of the Transmittal Form. For more information about As-Built Construction Reports, see the MCP at 310 CMR 40.0878 and 40.0879.

13. Phase V Inspection & Monitoring Report

Check this box if submitting a Phase V Inspection & Monitoring Report. Also complete Sections A, C, G, H, I and J of the Transmittal Form. An Inspection and Monitoring Report must be submitted at least once every six months while Phase V activities continue. For more information about Phase V Inspection & Monitoring Reports, see the MCP at 310 CMR 40.0892.

14. Final Phase V Inspection & Monitoring Report and Completion Statement

Check this box if submitting a final Phase V Inspection & Monitoring Report and associated Phase V Completion Statement. Also complete Sections A, C, F, G, H, I and J of the Transmittal Form. For more information about final Phase V Inspection & Monitoring Reports and Completion Statements, see the MCP

at 310 CMR 40.0893.

C. RESPONSE ACTIONS SECTION

Always complete Section C of the Transmittal Form. See the Innovative Technologies instructions in "Description of Response Actions Section" in Part II of the Manual for further information.

D. PHASE II COMPLETION STATEMENT SECTION

Only complete Section D if using the Transmittal Form to submit a Phase II Completion Statement. Check the box for the applicable Phase II outcome.

15. Phase II: Further Response Actions

Check the first box if the disposal site requires further response actions to achieve a Response Action Outcome, based on the results of the Phase II investigation.

16. Phase II: Class A RAO

Check the second box if the final Phase II Comprehensive Site Report supports a finding that conditions at the disposal site meet the requirements of a Class A RAO. If you check this box, you must also submit a Response Action Outcome Statement (BWSC-104) to DEP simultaneously with or subsequent to the submission of the Phase II Report. DEP must approve a Response Action Outcome Statement (BWSC-104) submitted for a Tier IA Site.

17. Phase II: Class B RAO

Check the third box if the final Phase II Comprehensive Site Report supports a finding that conditions at the disposal site meet the requirements of a Class B RAO. If you check this box, you must also submit a Response Action Outcome Statement (BWSC-104) to DEP simultaneously with or subsequent to the submission of the Phase II Report. DEP must approve a Response Action Outcome Statement (BWSC-104) submitted for a Tier IA Site.

18. Phase II: Rescoring Required

Check the fourth box if the disposal site requires rescoring using the Numerical Ranking System, based on the results of the Phase II investigation.

E. PHASE IV COMPLETION STATEMENT SECTION

Only complete Section E if using the Transmittal Form to submit a Phase IV Completion Statement. Check the box for the applicable Phase IV outcome.

19. Phase IV: Phase V Required

Check the first box if the disposal site requires Phase V operation, maintenance and/or monitoring to achieve a Response Action Outcome. Disposal sites undergoing Phase V activities are subject to a Tier I and Tier II Operation, Maintenance and/or Monitoring Annual Compliance Fee.

20. Phase IV: Class A RAO

Check the second box if the Phase IV Final Inspection Report supports a finding that conditions at the disposal site meet the requirements of a Class A RAO. If you check this box, you must also submit a Response Action Outcome Statement (BWSC-104) to DEP simultaneously with or subsequent to the submission of the Phase IV Report. DEP must approve a Response Action Outcome Statement (BWSC-104) submitted for a Tier IA Site.

21. Phase IV: Class C RAO without Operation & Maintenance

Check the third box if the Phase IV Final Inspection Report supports a finding that conditions at the disposal site meet the requirements of a Class C RAO and **DO NOT REQUIRE** further operation, maintenance and/or monitoring. If you check this box, you must also submit a Response Action Outcome Statement (BWSC-104) to DEP simultaneously with or subsequent to the submission of the Phase IV Report. DEP must approve a Response Action Outcome Statement (BWSC-104) submitted for a Tier IA Site.

22. Phase IV: Class C RAO with Operation & Maintenance

Check the fourth box if the Phase IV Final Inspection Report supports a finding that conditions at the disposal site meet the requirements of a Class C RAO, and the disposal site **DOES REQUIRE** further operation, maintenance and/or monitoring to maintain the conditions on which the Response Action Outcome is based and/or ensure progress toward a permanent solution. If you check this box, you must also submit a Response Action Outcome Statement (BWSC-104) to DEP simultaneously with or subsequent to the submission of the Phase IV Report. DEP must approve a Response Action Outcome Statement (BWSC-104) submitted for a Tier IA Site.

23. Type of Operation & Maintenance

Indicate whether operation and maintenance will be Active or Passive. Active operation and maintenance is defined in the MCP at 310 CMR 40.0006. Disposal sites undergoing Active Operation and Maintenance are subject to a Post-RAO Class C Active Operation and Maintenance Annual Compliance Fee upon filing a Response Action Outcome Statement (BWSC-104). For further information regarding Annual Compliance Fees, see the DEP Timely Action Schedule and Fee Provisions at 310 CMR 4.03.

F. PHASE V COMPLETION STATEMENT SECTION

Only complete Section F if using the Transmittal Form to submit a Phase V Completion Statement. Check the box for the applicable Phase V outcome.

24. Phase V: Class A RAO

Check the first box if the final Phase V Inspection & Monitoring Report supports a finding that conditions at the disposal site meet the requirements of a Class A RAO. If you check this box, you must also submit a Response Action Outcome Statement (BWSC-104) to DEP simultaneously with or subsequent to the submission of the Phase V Report. DEP must approve a Response Action Outcome Statement (BWSC-104) submitted for a Tier IA Site.

25. Phase V: Class C RAO without Operation & Maintenance

Check the second box if the final Phase V Inspection & Monitoring Report supports a finding that conditions at the disposal site meet the requirements of a Class C RAO and **DO NOT REQUIRE** further operation, maintenance and/or monitoring. If you check this box, you must also submit a Response Action Outcome Statement (BWSC-104) to DEP simultaneously with or subsequent to the submission of the Phase V Report. DEP must approve a Response Action Outcome Statement (BWSC-104) submitted for a Tier IA Site.

26. Phase V: Class C RAO with Operation & Maintenance

Check the fourth box if the final Phase V Inspection & Monitoring Report supports a finding that conditions at the disposal site meet the requirements of a Class C RAO, and the disposal site **DOES REQUIRE** further operation, maintenance and/or monitoring to maintain the conditions on which the Response Action Outcome is based and/or ensure progress toward a permanent solution. If you check this box, you must also submit a Response Action Outcome Statement (BWSC-104) to DEP simultaneously with or subsequent to the submission of the Phase V Report. DEP must approve a Response Action Outcome Statement (BWSC-104) submitted for a Tier IA Site.

27. Type of Operation & Maintenance

Indicate whether operation and maintenance will be Active or Passive. Active operation and maintenance is defined in the MCP at 310 CMR 40.0006. Disposal sites undergoing Active Operation and Maintenance are subject to a Post-RAO Class C Active Operation and Maintenance Annual Compliance Fee upon filing a Response Action Outcome Statement (BWSC-104). For further information regarding Annual Compliance Fees, see the DEP Timely Action Schedule and Fee Provisions at 310 CMR 4.03.

G. LSP OPINION SECTION

Always complete Section G of the form. See "LSP Opinion Section" in Part II of the Manual for further instructions.

H. PERSON UNDERTAKING RESPONSE ACTION(S) SECTION

Always complete Section H of the form. See "Person Section" in Part II of the Manual for further instructions.

28. Change in Person Undertaking Response Actions

Check this box if there has been a change in the person undertaking the response actions since the previous submittal for the disposal site was provided to DEP.

I. RELATIONSHIP TO SITE SECTION

Always complete Section I of the form. See "Relationship Section" in Part II of the Manual for further instructions.

J. CERTIFICATION OF PERSON UNDERTAKING RESPONSE ACTIONS SECTION

Always complete Section J of the form. See "Certification Section" in Part II of the Manual for further instructions.

BWSC-109: TIER I MINOR PERMIT MODIFICATION TRANSMITTAL FORM

MINOR PERMIT MODIFICATIONS

You must request DEP approval of any minor modification(s) to a Tier I Permit. Minor modifications include corrections of typographical errors and address changes. The regulations established by the MCP at 310 CMR 40.0725(2)(a) require you to submit a Transmittal Form whenever making a Minor Permit Modification request. Do not use the Transmittal Form to make major modifications to a permit, such as a change in tier classification or addition of a new permittee.

Upon receipt of a Minor Permit Modification request, DEP has 60 days to approve or deny the proposed change(s) in writing. When DEP does not respond in writing within the 60 day time period, the requested modification receives presumptive approval. Within 30 days of issuance of a written denial the permittee may recommend an alternative or corrected Minor Permit Modification. If the permittee fails to respond to a written denial issued pursuant to 310 CMR 40.0725(5), DEP deems the request for a Minor Permit Modification withdrawn.

< **NOTE:** Minor Permit Modifications are not subject to Tier I Permit processing and fee requirements, pursuant to 310 CMR 40.0720 through 40.0722 and 310 CMR 4.00. There are no public participation requirements associated with proposed minor modifications to a Tier I Permit.

< **NOTE:** To propose a major change to a Tier I Permit, such as a change in tier classification or addition of a permittee, you must file a Tier I Major Permit Modification Application. Use a Tier I Permit Transfer Application to add or remove a permittee.

INSTRUCTIONS FOR THE MINOR PERMIT MODIFICATION TRANSMITTAL FORM

1. Release Tracking Number

All Transmittal Forms submitted to DEP must include a Release Tracking Number. See "Release Tracking Number Field" in Part II of the Manual for further instructions.

2. Permit Number

All Minor Permit Modification Transmittal Forms submitted to DEP must include a Permit Number. Repeat the Permit Number at the top of every page of the Transmittal Form.

A. DISPOSAL SITE LOCATION SECTION

Always complete Section A of the form. Provide the address for the disposal site that is the subject of the Transmittal Form.

3. Site Name and Address

See "Location Section" in Part II of the Manual for instructions.

4. Related Release Tracking Numbers

See "Location Section" in Part II of the Manual for instructions.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the form. Check boxes for all applicable Minor Permit Modifications that are the subject of this Transmittal Form.

5. Alternative/Corrected Request

Check this box if submitting an alternative or corrected modification request, which updates a previous request submitted to DEP. State the date of previous submittal. Check all other boxes in Section B that describe the amended request and complete other sections of the Transmittal Form as directed.

6. Modification to Permittee Information

Check this box if modifying a permittee's name, address or contact person. Also complete Sections A, C, J, K and L of the Transmittal Form. Provide the LSP Opinion in Section I, if appropriate.

< **NOTE:** Do not use this Transmittal Form to add or remove a permittee from a Tier I Permit; instead, submit a Tier I Permit Transfer Application.

7. Change the Primary Representative

Check this box if changing the Primary Representative for a Tier I Permit. Also complete Sections A, D, J, K and L of the Transmittal Form. Provide the LSP Opinion in Section I, if appropriate.

8. Change the LSP-of-Record

Check this box if changing the LSP-of-Record for a Tier I Permit. Also complete Sections A, E, J, K and L of the Transmittal Form. Provide the LSP Opinion in Section I, if appropriate.

9. Corrections of Typographical Errors

Check this box if correcting typographical errors found in an approved Tier I Permit Application Form or in supporting documentation for the application. Also complete Sections A, F, J, K and L of the Transmittal Form. Provide the LSP Opinion in Section I, if appropriate.

10. Correct Omissions

Check this box if correcting omissions in either an approved Tier I Permit Application Form or supporting documentation, which do not materially affect the nature of the permitted response action. Also complete Sections A, G, J, K and L of the Transmittal Form. Provide the LSP Opinion in Section I, if appropriate.

11. Other Minor Permit Modifications

Check this box if proposing other minor modifications to a Tier I Permit, including the incorporation of an additional Release Tracking Number into a Tier I Permit when rescoring of the disposal site is **NOT** required. Also complete Sections A, H, J, K and L of the Transmittal Form. Provide the LSP Opinion in Section I, if appropriate.

C. CHANGE IN PERMITTEE NAME, ADDRESS OR CONTACT PERSON SECTION

Use Section C to inform DEP of a change to the name, address or contact person for a permittee. If more than one permittee needs to inform DEP of a name, address or contact person change, make copies of page 1 of the Transmittal Form and have each party provide the new information on a separate sheet.

A contact person does not have the same authority as a Primary Representative. See Section D for further information about the Primary Representative. See "Person Section" in Part II of the Manual for further instructions.

< **NOTE:** Do not use this Transmittal Form to add or remove a permittee from a Tier I Permit; instead, submit a Tier I Permit Transfer Application, pursuant to 310 CMR 40.0705 and 40.0723.

D. CHANGE IN PRIMARY REPRESENTATIVE SECTION

A Primary Representative is the individual designated and authorized by all recipients of a multiple party permit to act on their behalf. The Primary Representative engages in oral and written communications with DEP on behalf of

all permittees and receives annual compliance fee statements on their behalf.

12. Primary Representative is Permittee

Check this box if the new Primary Representative is either a permittee or the contact person for a permittee.

13. Primary Representative Name and Address

You must provide the full name of the specific individual who agrees to serve as the Primary Representative for the Tier I Permit. An organization, such as a consulting or law firm, cannot, by itself, serve as the Primary Representative. See "Person Section" in Part II of the Manual for further instructions.

14. Primary Representative Certification

The Primary Representative must legibly sign his or her first and last name and date the certification statement in the spaces provided. The form submitted to DEP must include an original signature from the new Primary Representative. A Primary Representative must sign on his or her own behalf; an agent may not sign for a Primary Representative. No modification should be made to the certification language, or DEP will return the form as incomplete.

E. CHANGE IN LSP-OF-RECORD SECTION

The LSP-of-Record is the LSP authorized to render an LSP Opinion with respect to the disposal site subject to the Tier I Permit. You must notify DEP of a change to the LSP-of-Record for response actions taken under a Tier I Permit. See "LSP Opinion Section" in Part II of the Manual for further instructions about how to complete Section E.

F. TYPOGRAPHICAL ERRORS SECTION

You may either use the space provided on the Transmittal Form to correct typographical errors, or provide the information on your supporting documentation. Reference the use of supporting documentation in Section F.

Descriptions of typographical errors must clearly indicate the deleted text and the text being added. Always state the date, and page number of the document being corrected. Use "Strike Out" format to show typographical errors to be deleted, drawing a line through each character and space to be deleted: ~~this is an example of text in strike out format~~. Use brackets or a highlighter pen to indicate replacement text. You may also use the "Red Line" format of WordPerfect 5.1 for DOS, a common word processing program, or a similar function of another word processing program, to mark replacement text: **this is an example of text in red line format**.

G. CORRECTION OF OMISSIONS SECTION

Use the Minor Permit Modification Transmittal Form to describe omissions in either an approved Tier I Permit Application or supporting documentation that do not materially affect the nature or complexity of the permitted response action. You may attach additional sheets to describe omission(s) and provide copies of additional information relevant to omission(s). Reference the use of supporting documentation in Section G.

H. OTHER MINOR PERMIT MODIFICATIONS SECTION

Use Section H to provide information about the following:

- ! A new owner of disposal site property who is not a permittee;
- ! A new operator of the disposal site who is not a permittee;
- ! The incorporation of an additional Release Tracking Number into the Tier I Permit, when rescoring of

the disposal site is not required; and

- ! Other minor modifications not described elsewhere on the Transmittal Form.

15. New Owner

Use the Transmittal Form to notify DEP whenever a person who is not a permittee purchases all or a portion of the property comprising the disposal site. See "Person Section" in Part II of the Manual for further information. Treat the new owner as the person making the submittal for the purpose of the instructions found in Part II.

16. New Operator

Use the Transmittal Form to notify DEP whenever a person who is not a permittee begins operations at all or a portion of the property comprising the disposal site. See "Person Section" in Part II of the Manual for further information. Treat the new operator as the person making the submittal for the purpose of the instructions found in Part II.

17. Adding Release Tracking Number(s)

Check this box if proposing to incorporate additional releases that occurred at the disposal site into the scope of contamination addressed by the Tier I Permit for the disposal site. List the Release Tracking Number(s) for the additional release(s) in the space provided in the last portion of Section H.

You may use the Minor Permit Modification Transmittal Form to incorporate additional releases under two circumstances:

- ! Adding the release **DOES NOT** require you to rescore the disposal site using a Numerical Ranking Scoresheet; or
- ! Adding the release **DOES** require you to rescore the disposal site, but rescoring does not change the tier classification.

If you must rescore the disposal site, you must also submit both a revised Tier Classification Submittal Transmittal Form (BWSC-107) and a Numerical Ranking Scoresheet, which is found in the MCP at 310 CMR 40.1500. If rescoring changes the tier classification of the disposal site, you must submit a Tier I Major Permit Modification Application in place of a Minor Permit Modification Transmittal Form.

18. Other Minor Modifications

Describe other minor modifications to a Tier I Permit. Use this space to list Release Tracking Numbers that you are proposing to add to the Tier I Permit.

I. LSP OPINION SECTION

The LSP-of-Record must sign the LSP Opinion if the proposed minor permit modification is materially inconsistent with, or would otherwise serve to compromise or diminish the content or meaning of, an LSP Opinion previously submitted to DEP. This requirement applies to Opinions submitted by both the current and any former LSPs-of-Record. See the LSP Opinion Section in Part II of the Manual for further instructions.

All Tier I Permit permittees must jointly submit a Minor Permit Modification Transmittal Form. If necessary, make additional copies of the third page of the Transmittal Form and have each permittee provide information on a separate sheet.

J. PERMITTEE SUBMITTING MINOR PERMIT MODIFICATION SECTION

Always complete Section J of the form. See "Person Section" in Part II of the Manual for further instructions.

K. RELATIONSHIP TO SITE OF PERMITTEE SECTION

Always complete Section I of the form. See "Relationship Section" in Part II of the Manual for further instructions.

L. CERTIFICATION OF PERMITTEE

Always complete Section L of the form. See "Certification Section" in Part II of the Manual for further instructions.

BWSC-110: LICENSED SITE PROFESSIONAL (LSP) EVALUATION OPINION TRANSMITTAL FORM

LSP EVALUATION OPINION

The MCP requires the submission of an LSP Evaluation Opinion for most disposal sites and locations assigned to one of the following transition site categories:

- ! Locations To Be Investigated (LTBIs)
- ! Unclassified Disposal Sites
- ! Non-priority Disposal Sites without a Waiver

To determine whether a disposal site or location is considered a transition site, and if so, to determine the category to which the disposal site or location is assigned, see the Transition List of Confirmed Disposal Sites and Locations to be Investigated (i. e., 1993 Transition List) and addenda thereto. The deadline for submittal of an LSP Evaluation Opinion depends upon the date DEP first listed a disposal site or location in its transition site category.

You may avoid submittal of an LSP Evaluation Opinion under three circumstances:

- ! You submit a Response Action Outcome Statement (BWSC-104) and all supporting documentation prior to the deadline for submittal of the LSP Evaluation Opinion;
- ! You submit a statement for a site or LTBI, including the certification language found in the MCP at 310 CMR 40.0009, affirming the conclusion previously documented by either a Preliminary Assessment Form or Phase I Report submitted prior to October 1, 1993 that a location either is not a disposal site, or is a disposal site requiring no further remedial actions;
- ! You submit a statement for an LTBI, including the certification language found in the MCP at 310 CMR 40.0009, affirming a "No Further Action" recommendation submitted to DEP prior to October 3, 1988.

DEP does not approve RAO Statements and LSP Evaluation Opinions. However, Preliminary Assessment Forms, Phase I Reports and "No Further Action" recommendations reaffirmed by a written statement **ARE** subject to DEP written approval.

If you submit an LSP Evaluation Opinion indicating a need for further response actions and do not provide an RAO Statement (BWSC-104) prior to the deadline for submittal of the Opinion, you must also provide DEP with a Tier Classification Submittal (BWSC-107), and, if required, a Tier I Permit Application. For more information about response actions required at transition sites, see the MCP at 310 CMR 40.0600.

INSTRUCTIONS FOR THE LICENSED SITE PROFESSIONAL (LSP) OPINION FORM (BWSC-110)

1. Release Tracking Number

All Transmittal Forms submitted to DEP must include a Release Tracking Number. See "Release Tracking Field" in Part II of the Manual for further instructions.

A. SITE OR LOCATION TO BE INVESTIGATED INFORMATION SECTION

Always complete Section A of the form.

2. Site Name and Address

Provide the name and address for the disposal site or location that is the subject of the Transmittal Form as found in the 1993 Transition List or any addenda thereto. See "Location Section" in Part II of the Manual for further instructions.

3. Site Status

Check the box for the transition site category of the disposal site or location addressed by the form. Check only one box.

4. Date First Listed.

State the date on which DEP first listed the disposal site or location in the category in which it appears on the 1993 Transition List or addenda thereto.

5. Related Release Tracking Numbers

See "Location Section" in Part II of the Manual for instructions.

B. LSP EVALUATION OF SITE OR LOCATION TO BE INVESTIGATED

Always complete Section B of the form. Check the single box that describes the LSP Evaluation Opinion for the disposal site or location addressed by the Transmittal Form.

6. Opinion: No Notifiable Release Occurred

Check the box for this opinion if a release of oil(s) and/or hazardous material(s) requiring the notification of DEP, pursuant to the MCP at 310 CMR 40.0300, has **NOT** occurred at the transition site, and further response actions are **NOT** required pursuant to 310 CMR 40.0000.

7. Opinion: RAO Requirements Met

Check the box for this opinion if a reportable release or threat of release occurred or may have occurred at the transition site, but response actions completed prior to the submission of the Transmittal Form meet the requirements of a Class A or B Response Action Outcome.

If selecting this option, you must also check the box for the RAO Class and attach to your submittal documentation **EQUIVALENT** to that required for a Response Action Outcome Statement (BWSC-104).

< **NOTE:** You may submit a Response Action Outcome Statement (BWSC-104) and supporting documentation in place of an LSP Evaluation Opinion, provided that you make the submittal prior to the LSP Evaluation Opinion deadline for the site.

8. Opinion: Further Response Actions Needed

Check the box for this opinion if a reportable release or threat of release occurred or may have occurred at the transition site, and further response actions are necessary to achieve a Response Action Outcome. If selecting this option, you must make one of the following three submittals prior to the date of the LSP Evaluation Opinion deadline:

- ! A Tier Classification Submittal Transmittal Form (BWSC-107), supporting documentation including a Numerical Ranking Scoresheet, and, if appropriate, a completed Tier I Permit Application;
- ! A Response Action Outcome Statement (BWSC-104); or
- ! A Downgradient Property Status Submittal (BWSC-104).

9. Opinion: Otherwise Adequately Regulated

Check the box for this opinion if the transition site is a disposal site that is adequately regulated by another regulatory authority, pursuant to the MCP at 310 CMR 40.0110. If selecting this option, check the box(es) to indicate which regulatory authorities apply to the transition site:

- ☐ HSWA Corrective Action considered otherwise adequately regulated, pursuant to the MCP at 310 CMR 40.0112;
- ☐ 21C facility regulated under the Resource Conservation and Recovery Act Authorized State Hazardous Waste Program and considered otherwise adequately regulated under M.G.L. c. 21C and 310 CMR 30.000, pursuant to the MCP at 310 CMR 40.0113; and/or
- ☐ Solid Waste Management Facility considered otherwise adequately regulated under M.G.L. c. 21H, M.G.L. c.111, s. 150A and/or 310 CMR 19.000, pursuant to the MCP at 310 CMR 40.0114.

C. LSP OPINION SECTION

Always complete Section C of the Transmittal Form. See "LSP Opinion Section" in Part II of the Manual for further instructions.

D. PERSON SUBMITTING LSP EVALUATION OPINION SECTION

Always complete Section D of the Transmittal Form. See "Person Section" in Part II of the Manual for further instructions.

E. RELATIONSHIP TO SITE OR LOCATION TO BE INVESTIGATED OF PERSON SUBMITTING LSP EVALUATION OPINION SECTION

Always complete Section E of the Transmittal Form. See "Relationship Section" in Part II of the Manual for further instructions.

F. CERTIFICATION OF PERSON SUBMITTING LSP EVALUATION OPINION SECTION

Always complete Section F of the Transmittal Form. See "Certification Section" in Part II of the Manual for further instructions.

BWSC-111: AUDIT FOLLOW-UP PLAN TRANSMITTAL FORM & COMPLETION STATEMENT

Use form BWSC-111 to submit either of the following documents to DEP:

- ! Audit Follow-Up Plan
- ! Audit Completion Statement

AUDIT FOLLOW-UP PLAN

Based on the results of an audit, DEP may require a person to submit a written Audit Follow-Up Plan for a site, pursuant to 310 CMR 40.1160. The Audit Follow-up Plan must describe how the person making the submittal will bring the site into compliance with the MCP and other applicable requirements. DEP may approve or reject the plan within 60 days of its receipt. The plan receives presumptive approval if DEP does not act within the 60 day period.

If the response actions audited took place pursuant to either the 1993 MCP or later revisions to those regulations, the person submitting the Audit Follow-Up Plan must name a Licensed Site Professional (LSP) engaged or employed to provide services at the site. Alternatively, if the response actions audited took place pursuant to the 1988 MCP, the person submitting the plan may name a Consultant-of-Record to oversee or manage future response actions, in place of an LSP.

AUDIT COMPLETION STATEMENT

Following the conclusion of the activities required by the Audit Follow-Up Plan, the person who conducted the response actions must submit an Audit Follow-up Plan Completion Statement. The LSP or Consultant-of-Record named in the corresponding Audit Follow-Up Plan must indicate on the Completion Statement whether the response actions were completed in accordance with the MCP and other applicable requirements. See the MCP at 310 CMR 40.1170 for more information.

INSTRUCTIONS FOR THE AUDIT FOLLOW-UP PLAN TRANSMITTAL FORM & COMPLETION STATEMENT (BWSC-111)

1. Release Tracking Number

All forms submitted to DEP must include a Release Tracking Number. See "Release Tracking Number Field" in Part II of the Manual for further instructions.

A. SITE LOCATION SECTION

Always complete Section A of the Transmittal Form.

2. Site Address

Provide the address for the site that is the subject of the Transmittal Form. See "Location Section" in Part II of the Manual for further instructions.

3. Tier Classified

Check this box if the site described on the Transmittal Form has been tier classified.

< **NOTE:** Do **NOT** check this box if tier classification is based on a default to Tier IB status due to a failure to make certain submittals in a timely manner.

4. Permit Number

If the site has received a Tier I Permit, state the permit number.

5. Related Release Tracking Numbers

See "Location Section" in Part II of the Manual for instructions.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the Transmittal Form. Check the box for the document attached to the Transmittal Form.

6. Follow-Up Plan

Check this box if submitting an Audit Follow-Up Plan. Also complete Sections A, C, F, G and H of the form.

7. Modified or Revised Plan

Check this box if submitting a modified or revised Audit Follow-Up Plan. State the date of any previous submittal(s).

8. Completion Statement

Check the box if submitting an Audit Follow-Up Plan Completion Statement. Also complete Sections A, C, F, G and H of the form, as well as either Section D, if providing an LSP Opinion, or Section E, if providing a Consultant-of-Record Attestation.

C. LSP OR CONSULTANT-OF-RECORD

Always complete Section C of the form. Provide the name and address of the either the LSP or Consultant-of-Record retained to provide services at the site. If the response actions audited took place under the regulations of the 1988 MCP, you may name a Consultant-of-Record in place of an LSP. Otherwise, you must always name an LSP.

The LSP or Consultant-of-Record named by an Audit Follow-Up Plan must sign any corresponding Completion Statement. If you plan to change the LSP or Consultant-of-Record providing services, you must first provide an amended Audit Follow-Up Plan Transmittal Form to DEP.

9. LSP or Consultant-of-Record Name and LSP License Number

State the first and last name of your LSP or Consultant-of-Record. If you leave the LSP License Number Field blank, DEP will assume that you plan to name a Consultant-of-Record, which may cause DEP to reject your Audit Follow-Up Plan if the original response actions did not occur under the 1988 MCP.

10. LSP or Consultant-of-Record Address

Provide a mailing address and business phone number for the LSP or Consultant-of-Record named.

D. LSP OPINION

An LSP Opinion is required only when submitting an Audit Follow-Up Plan Completion Statement prepared under the supervision of an LSP. See "LSP Opinion Section" in Part II of the Manual for further instructions.

E. CONSULTANT-OF-RECORD ATTESTATION

A Consultant-of-Record Attestation is required only when submitting an Audit Follow-Up Plan Completion Statement

prepared under the supervision of a Consultant-of-Record. Do not make any changes to the attestation language. If you do so, DEP will return the form to you as incomplete.

11. Other Orders, Permits and Approvals

Check this box if the response action(s) on which the Consultant-of-Record Attestation is (are) based is (are) subject to any order, permit or approval issued by DEP or the EPA. If this is the case, identify the applicable provisions of each such order, permit and approval on your supporting documentation.

12. Name, Signature and Date

The Consultant-of-Record who provides the Attestation must legibly print his or her first and last name, and sign and date the Attestation Section of the form.

F. PERSON RESPONDING TO AUDIT

Always complete Section F of the form. See "Person Section" in Part II of the Manual for further instructions.

G. RELATIONSHIP TO SITE OF PERSON RESPONDING TO AUDIT

Always complete Section G of the form. See "Relationship Section" in Part II of the Manual for further instructions.

H. CERTIFICATION OF PERSON RESPONDING TO AUDIT

Always complete Section H of the form. See "Certification Section" in Part II of the Manual for further instructions.

BWSC-113: ACTIVITY & USE LIMITATION (AUL) TRANSMITTAL FORM

Use form BWSC-113 to submit the following documents to DEP:

- ! Certified copy of a Notice of Activity & Use Limitation
- ! Certified copy of an Amended Notice of Activity & Use Limitation
- ! Certified copy of a Termination of a Notice of Activity & Use Limitation
- ! Certified copy of a Grant of Environmental Restriction
- ! Certified copy of an Amendment of Environmental Restriction
- ! Certified copy of a Release of Environmental Restriction

ACTIVITY & USE LIMITATION (AUL)

AULs provide notice to owners, lessees, tenants and other holders of any interest in a property or a portion of a property of the existence and location of oil(s) and/or hazardous material(s) at the property. An AUL limits the activities and uses allowed at a property, and establishes both a duty to evaluate risks associated with any proposed changes in activities and uses and a duty to perform necessary response actions prior to any such change.

With certain restrictions discussed in Subpart I of the MCP, any person undertaking response actions may record and/or register an AUL. However, the property owner's consent is always required to file any AUL for a parcel of land. An AUL can only apply to a single parcel of land; disposal sites comprised of multiple parcels may require multiple AULs.

< **NOTE:** You must arrange to publish in a community newspaper a legal notice indicating the recording and/or registering of an AUL. You must provide a copy of the AUL to the zoning official and the building code enforcement official.

See the MCP at 310 CMR 40.1000 for further information about AULs.

NOTICE OF ACTIVITY & USE LIMITATION, INCLUDING AMENDMENT AND TERMINATION OF AN ACTIVITY & USE LIMITATION

A Notice of Activity and Use Limitation places a notice on the deed to a property, describing activities, uses and/or exposures on the property, and provides a basis for a Response Action Outcome Statement (BWSC-104).

To record and/or register a Notice of Activity & Use Limitation on a deed, file a completed Form 1075, found in Subpart J of the MCP, with the appropriate Registry of Deeds and/or Land Registration Office. After recording and/or registering the Notice at the Registry of Deeds and/or Land Registration Office, you must obtain a certified copy to submit to DEP. Use BWSC-113 to submit the certified copy to DEP. Signatures on the Transmittal Form itself must be original.

To amend a Notice of Activity & Use Limitation, follow the process described above, but substitute Form 1082B for Form 1075. To terminate a Notice of Activity & Use Limitation, follow the same process and use Form 1084B in

place of Form 1075.

For more information about Notices of Activity & Use Limitation, see 310 CMR 40.1000.

GRANT, AMENDMENT OR RELEASE OF ENVIRONMENTAL RESTRICTION

A Grant of Environmental Restriction is a type of AUL that grants DEP a limited interest in a parcel for the purpose of protecting the public and the environment from releases of oil(s) and/or hazardous material(s), and provides a basis for a Response Action Outcome Statement. To implement, amend or release a Grant of Environmental Restriction, you must file a permit application with DEP.

Once DEP accepts your offer of an Environmental Restriction and you file documentation at the appropriate Registry of Deeds and/or Land Registration Office, you must provide DEP with a certified copy of the Grant, Amendment or Release of Environmental Restriction. Use BWSC-113 to submit the certified document to DEP. Signatures on this Transmittal Form must be original.

For more information about Grants of Environmental Restriction, see 310 CMR 40.1000.

INSTRUCTIONS FOR THE ACTIVITY & USE LIMITATION (AUL) TRANSMITTAL FORM (BWSC-113)

1. Release Tracking Number

All forms submitted to DEP must include a Release Tracking Number. See "Release Tracking Number Field" in Part II of the Manual for further instructions.

A. LOCATION OF DISPOSAL SITE AND PROPERTY SUBJECT TO AUL SECTION

Always complete Section A of the Transmittal Form.

2. Disposal Site Name and Address

Provide the name and address of the disposal site that is the subject of the AUL. See "Location Section" in Part II of the Manual for further instructions.

3. Address of Property if Different from Disposal Site

Provide the address for the property subject to the AUL, if different from the address of the disposal site stated above. See "Location Section" in Part II of the Manual for further instructions.

4. Tier Classification

Check this box if the disposal site subject to the AUL is a tier classified site.

< **NOTE:** Do **NOT** check this box if tier classification is based on a default to Tier IB status due to failure to make certain required submittals in a timely manner.

5. Permit Number

If the disposal site has received a Tier I Permit, state the permit number in the space provided.

6. Related Release Tracking Numbers

See "Location Section" in Part II of the Manual for instructions.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the Transmittal Form. Check the box to indicate the document attached to the Transmittal Form.

7. Notice of Activity & Use Limitation

Check this box if submitting a certified copy of a Notice of Activity & Use Limitation. Complete all sections of the Transmittal Form and submit the original to DEP.

8. Amended Notice of Activity & Use Limitation

Check this box if submitting a certified copy of an Amended Notice of Activity & Use Limitation. Complete all sections of the Transmittal Form and submit the original to DEP.

9. Termination of a Notice of Activity & Use Limitation

Check this box if submitting a certified copy of a Termination of Notice of Activity & Use Limitation. Complete all sections of the Transmittal Form and submit the original to DEP.

10. Grant of Environmental Restriction

Check this box if submitting a certified copy of a Grant of Environmental Restriction. Complete all sections of the Transmittal Form and submit the original to DEP.

11. Amendment of Environmental Restriction

Check this box if submitting a certified copy of an Amendment of Environmental Restriction. Complete all sections of the Transmittal Form and submit the original to DEP.

12. Release of Environmental Restriction

Check this box if submitting a certified copy of a Release of Environmental Restriction. Complete all sections of the Transmittal Form and submit the original to DEP.

< **NOTE:** For Grants, Amendments, or Releases of Environmental Restriction, you must file an Environmental Restriction Permit Application, obtain approval from DEP and file documentation at the Registry of Deeds and/or Land Registration Office prior to submitting BWSC-113.

C. AUL INFORMATION

Always complete Section C of the Transmittal Form.

13. AUL Recorded and/or Registered Date

State the date you recorded and/or registered the AUL at the Registry of Deeds and/or Land Registration Office.

14. Name of Registry of Deeds and/or Land Registration Office

State the name of the Registry of Deeds and/or Land Registration Office where the AUL was recorded and/or registered.

15. Book and Page Number

State the Book and Page Number and/or Document Number of the recorded and/or registered AUL.

D. PERSON SUBMITTING AUL TRANSMITTAL FORM

Always complete Section D of the form. See "Person Section" in Part II of the Manual for further instructions.

E. OWNER OF PROPERTY, IF NOT PERSON SUBMITTING AUL TRANSMITTAL FORM

Always complete Section E of the Transmittal Form. If the person submitting the Transmittal Form is **NOT** the owner of the parcel subject to the AUL, you must provide that person's name and mailing address. If the person submitting the Transmittal Form is the property owner, write "NA" in Section E. See "Person Section" in Part II of the Manual for further instructions.

F. RELATIONSHIP TO DISPOSAL SITE OF PERSON SUBMITTING AUL TRANSMITTAL FORM

Always complete Section F of the form. See "Relationship Section" in Part II of the Manual for further instructions.

G. CERTIFICATION OF PERSON SUBMITTING AUL TRANSMITTAL FORM

Always complete Section G of the form. See "Certification Section" in Part II of the Manual for further instructions.

BWSC-114: ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Use form BWSC-114 as an exhibit to an AUL document to provide the following LSP Opinions:

- ! LSP Opinion for a Notice of Activity & Use Limitation
- ! LSP Opinion for an Amended Notice of Activity & Use Limitation
- ! LSP Opinion for a Termination of a Notice of Activity & Use Limitation
- ! LSP Opinion for a Grant of Environmental Restriction
- ! LSP Opinion for an Amendment of Environmental Restriction
- ! LSP Opinion for a Release of Environmental Restriction

ACTIVITY AND USE LIMITATION (AUL) OPINION FORM

The AUL document you record and/or register at the Registry of Deeds and/or Land Registration Office must include the LSP Opinion found on form BWSC-114 as an exhibit. The Opinion Form used as the exhibit must include the original LSP signature and stamp.

You must submit to DEP a certified copy of the AUL, which will include a copy of the Opinion Form, following recording and/or registering. The original AUL document and Opinion Form remain at the Registry of Deeds and/or Land Registration Office. In this instance, the LSP Opinion signature and stamp you submit to DEP do not need to be original. See the instructions for the AUL Transmittal Form (BWSC-113) for more information about submitting certified copies of AULs to DEP.

< **NOTE:** For a Grant, Amendment, or Release of Environmental Restriction, you must submit the AUL document, including the original version of BWSC-114, with your Environmental Restriction Permit Application.

INSTRUCTIONS FOR THE ACTIVITY & USE LIMITATION (AUL) OPINION FORM (BWSC-114)

1. Release Tracking Number

All forms submitted to DEP must include a Release Tracking Number. See "Release Tracking Number Field" in Part II of the Manual for further instructions.

A. LOCATION OF DISPOSAL SITE AND PROPERTY SUBJECT TO AUL SECTION

Always complete Section A of the Transmittal Form.

2. Disposal Site Name and Address

Provide the name and address for the disposal site that is the subject of the AUL. See "Location Section" in Part II of the Manual for further instructions.

3. Address of Property if Different from Disposal Site

Provide the address for the property subject to the AUL if different from the address of the disposal site stated above. See "Location Section" in Part II of the Manual for further instructions.

B. THIS FORM IS BEING USED TO SECTION

Always complete Section B of the Transmittal Form. Check the box to indicate the applicable LSP Opinion.

4. Notice of Activity & Use Limitation

Check this box if submitting an LSP Opinion for a Notice of Activity & Use Limitation. Complete all sections of the Opinion Form.

5. Amended Notice of Activity & Use Limitation

Check this box if submitting an LSP Opinion for an Amended Notice of Activity & Use Limitation. Complete all sections of the Opinion Form.

6. Termination of a Notice of Activity & Use Limitation

Check this box if submitting an LSP Opinion for a Termination of a Notice of Activity & Use Limitation. Complete all sections of the Opinion Form.

7. Grant of Environmental Restriction

Check this box if submitting an LSP Opinion for a Grant of Environmental Restriction. Complete all sections of the Opinion Form.

8. Amendment of Environmental Restriction

Check this box if submitting an LSP Opinion for an Amendment of Environmental Restriction. Complete all sections of the Opinion Form.

9. Release of Environmental Restriction

Check this box if submitting an LSP Opinion for a Release of Environmental Restriction. Complete all sections of the Opinion Form.

< **NOTE:** For a Grant, Amendment, or Release of Environmental Restriction, you must submit the AUL document, including the original version of BWSC-114, with your Environmental Restriction Permit Application.

C. LSP OPINION

Always complete Section C. See "LSP Opinion Section" in Part II of the Manual instructions.